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APPENDIX

TO THE

UNREPEALED AND UNEXPIRED

ACTS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

CONTAINING THE REPEALED AND EXPIRED ACTS.

BY

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CALCUTTA:

G C HAY AND CO., 15, ESPLANADE ROW

1863.

REPEALED AND EXPIRED ACTS

OF THE

Governor General of India in Council.

Act No. I. of 1834.

Passed by the Right Honorable the Governor-General of India in Council on the 20th November 1834.

BE it enacted, that all Acts done by the Governor-General of India in Council, or by the Vice-President of Fort William in Bengal in Council, or in pursuance of any authority given by the said Governor-General in Council, or by the said Vice-President in Council, between the 22nd of April 1834 and the 14th of November 1834, shall be valid and effectual, to all intents and purposes, as if the said Acts had been done before the said 22nd day of April 1834.

Act No. I. of 1835.

Passed by the Right Honorable the Governor-General of India in Council on the 7th January 1835.

BE it enacted, that from the day on which the Governor of the Presidency of Fort St. George shall next enter within the limits of the said Presidency, till three months shall have elapsed, or till the said Governor shall arrive at the said Presidency, whichever shall first happen; all Officers, Civil and Military, attached to the said Presidency, shall obey such orders as they may receive from the said Governor, and that the orders of the said Governor shall be as valid an authority for any Act done by such officers as the orders of the said Governor in his Council would be.

Act No. X. of 1835.

Passed by the Right Honorable the Governor-General of India in Council on the 6th July 1835.

BE it enacted, that the production of a Government Gazette of any Presidency, containing an Act purporting to have been passed by the Governor-General in Council, shall be held in all Courts sufficient proof that such Act has been so passed.

ACT No. XIII. of 1835.

Passed by the Right Honorable the Governor-General of India in Council on the 3rd August 1835.

BE it enacted, that it shall be competent to the Court of Sudder Fouzdarry Adawlut for the presidency of Bombay to direct, that any person accused of any offence, and subject to the jurisdiction of the courts of the East India Company, may be tried in any zillah of the said presidency.

ACT No. XV. of 1835.

Passed by the Right Honorable the Governor-General of India in Council on the 3rd August 1835.

1. *First.*—BE it enacted, that from the 1st day of September 1835, Section XVIII. Regulation V. of 1802 of the Madras code, be rescinded.

Second.—Be it enacted, that if a witness duly summoned by the Court of Sudder Udawlut of Fort St. George shall not attend, or shall refuse to give evidence in the manner prescribed by the existing law, that Court may impose on such witness a fine, not exceeding 500 Rupees, and may commit him to the gaol of the zillah court nearest to the presidency, until he shall consent to give his evidence in the manner prescribed. And if the said witness shall not pay the fine imposed on him, it shall be lawful for the said Court of Sudder Udawlut to direct him to be kept in confinement for a further term not exceeding three months.

II. If any person shall be guilty of contempt of the Court of Sudder Udawlut in open court, the Court may immediately punish the offender by fining him in a sum not exceeding 500 Rupees, or by committing him to custody in the gaol of the Zillah Court nearest to the Presidency, for a term not exceeding six months.

III. If it shall appear to the Court of Sudder Udawlut that any person has been guilty of wilful and corrupt perjury in any matter depending in that Court, that Court may immediately commit the offender to custody, and transmit him to the Zillah court nearest to the Presidency, in order to his being brought to trial before the Court of Circuit of the Division in which such Zillah Court may be situated; and such person shall be dealt with in the same manner as if the perjury had been ommitted within the limits of the local jurisdiction of such Court of Circuit.

Act No. XVIII. of 1835.

Passed by the Right Honorable the Governor-General of India in Council on the 9th November 1835.

BE it enacted, that Clause 8, Section IX., Regulation XI. 1806, and Clause 4, Section XXX., Regulation XX. 1817, of the Bengal code, which prohibit the use of a chuprass or badge by peons, or other servants in the employment of private individuals, be repealed.

And be it enacted, that no person shall wear, or be accessory to the wearing by any other person of any chuprass or badge, intended to resemble any chuprass or badge worn by servants of the Government; and every person violating this rule shall be punishable by fine and imprisonment on conviction before a magistrate, as for a misdemeanor.

And be it enacted, that every chuprass or badge worn by any person, not being a servant of the Government, shall bear the name of the party by whom the wearer is employed, and whoever shall wear a chuprass or badge, or be accessory to the wearing such chuprass or badge, otherwise than in conformity to this rule, shall be punishable by fine and imprisonment on conviction before a magistrate, as for a misdemeanor.

Act No. XX. of 1835.

Passed by the Right Honorable the Governor-General of India in Council on the 23rd November 1835.

BE it enacted, that it shall be competent to the Governor in Council of Bombay, to invest the mahalkarees or other officers, howsoever designated, exercising the functions of mahalkarees, with police powers within the towns and villages under their charge, to the same extent as are possessed by komavisdars or mamlutdars.

And be it enacted, that the proceedings of the officers invested with police powers under this Regulation shall be conducted according to the rules prescribed in chapter V. Regulation XII. 1827 of the Bombay code; and that the sentences by them awarded shall be carried into effect by the komavisdars or mamlutdars, in all cases where it cannot be executed at the station of the mahalkaree.

Act No. XXI. of 1835.

Passed by the Right Honorable the Governor-General of India in Council on the 7th December 1835.

I. BE it enacted, that from the 20th day of December 1835, the following copper coins only shall be issued from any mint within the Presidency of Bengal.

1.	A pice, weighing - - - - - -	100 grains troy.
2.	A double pice - - - - - -	200 —
3.	A pie, or one-twelfth of an anna piece - -	$33\frac{1}{3}$ —

with such devices as shall be fixed for the same by the Governor-General in Council, according to the provisions of Section X. of Act XVII. of 1835.

II. And be it enacted, that from the said 20th day of December 1835, the said pice shall be legal tender for $\frac{1}{64}$ of the Company's Rupee, and the said double pice for $\frac{1}{32}$ of the Company's Rupee, and the said pie for $\frac{1}{192}$ of the Company's rupee.

III. Provided always, that after the said 20th day of December 1835, no copper coin shall in any part of the territories of the East India Company be legal tender, except for fractions of a Rupee.

ACT No. I. OF 1836.

Passed by the Right Honorable the Governor-General of India in Council on the 4th January 1836.

BE it enacted, that it shall be lawful for the Governor in Council of Bombay to employ any portion of the fees levied under authority of Regulation VI. of 1831* of the Bombay code, for purposes other than those specified in the said Regulation, any thing in the said Regulation to the contrary notwithstanding.

* A Regulation for raising at the ports within the limits of the Gulf of Cambay, funds for the support of a lighthouse upon the Island of Peerim in that Gulf.

ACT No. II. OF 1836.

Passed by the Right Honorable the Governor-General of India in Council on the 11th January 1836.

IT is hereby enacted, that Regulation III. A. D. 1834, of the Bombay code, be rescinded, with the exception of such part of that Regulation as rescinds preceding Regulations.

And it is hereby enacted, that a duty at the rate of ($1\frac{1}{2}$) one and a half per cent. shall be levied on import into the island of Bombay, of the articles enumerated in Appendix (A.), in addition to the established sea customs, and under the same rules and regulations as are, or may be, made applicable to the collection of the latter.

And it is hereby enacted that no drawback of the duty imposed in the preceding section be allowed, except on exportation to the United Kingdom in British bottoms, of any of the articles subject thereto, in which case such an amount of

drawback will, if applied for at the period of exportation, but not otherwise, be allowed, as will reduce the total duty receivable by Government to (2½) two and a half per cent.

And it is hereby enacted, that no person shall be entitled to recover any money which such person may, subsequently to the 1st day of January 1827, have paid to any officer authorized to receive duties on imports, as duty on wine or spirits.

APPENDIX (A.)

Goods imported from the other Presidencies under certificates of exemption from customs at Bombay, excepting those articles of a like description (such as ghee, oil, &c., &c.) not liable to a duty, when imported from other places unaccompanied by exempting certificates:—

Oil, except that in use for culinary purposes; shawls; wax candles; sugar; piece goods; China silks; nankeens; rose-water; sandal-wood; mace; cloves; nutmegs; cinnamon; cassia; bhoysing; cocum; tamarinds; saltpetre; black pepper; cardamums; wines, in casks; wines and liquors, in bottles.

Act No. V. of 1836.

Passed by the Right Honorable the Governor-General of India in Council on the 7th March 1836.

IT is hereby enacted, that it shall be competent to the Zillah and City Judges within the Presidency of Fort William in Bengal, to refer to the Principal Sudder Ameens subordinate to them, applications for the enforcement of decrees, to be executed by the said Principal Sudder Ameens, under the rules prescribed in the general Regulations applicable to such cases.

Act No. VI. of 1836.

Passed by the Right Honorable the Governor General of India in Council on the 7th March 1836.

IT is hereby enacted, that it shall be lawful for any Court, by which any person shall be, or shall have been committed to custody under the authority of Section XXII. Regulation III. 1802, of the Madras Code, to liberate such person when such Court shall be of opinion that the confinement has been sufficient for the punishment of his offence, and that no person shall, under the authority of the said Section, be kept in custody for a term exceeding two months.

Act No. XII. of 1836.

Passed by the Right Honorable the Governor-General of India in Council on the 23rd May 1836.

IT is hereby enacted that, from the 1st day of June 1836, if the holder of a decree passed by the Nuwaub of Furruckabad, under the provisions of Section VIII. of Regulation II. of 1803, shall be unable to obtain execution of the said decree by the Nuwaub for a period of six weeks (which period of six weeks shall be calculated from the said 1st day of June, if the decree were passed before the said 1st day of June, and from the time of passing the decree, if the decree were passed on or after the said 1st day of June), the said holder shall be at liberty to sue out execution of the said decree in the Zillah Court of Furruckabad, and the judge of that Court, on application made to that effect, shall execute the decree in the same manner in which a decree of the said Zillah Court is executed.

Act No. XV. of 1836.

Passed by the Right Honorable the Governor-General of India in Council on the 13th June 1836.

IT is hereby enacted, that the functionary or functionaries, who are or may be appointed to the political charge of Subathoo and the other territories annexed thereto, be placed under the control and superintendence, in civil cases, of the Court of Sudder Dewanny Adawlut at Allahabad; and that such control and superintendence shall be exercised in conformity with such instructions as the said functionary or functionaries may have received, or may hereafter receive, from the Governor-General of India in Council.

Act No. XVIII of 1836.

Passed by the Right Honorable the Governor-General of India in Council on the 5th September 1836.

I. IT is hereby enacted, in modification of Section I. Regulation IX. of 1830 of the Bombay Code, that, from the 1st day of October next, every labour cart and every labour hackery, not having springs, and having wheels of less diameter than three feet six inches, and the tires less in breadth than three inches, shall be subject at the Bhore Ghaut, in passing, to a Toll not exceeding half a Rupee, if such cart or hackery be drawn by two bullocks; and not exceeding a Rupee, if such cart or hackery be drawn by four bullocks.

II. And it is hereby enacted, that the collection of Toll, which by the second section of the Regulation aforesaid was placed under the superintendence of the Collector of the Northern Konkan, shall, from the said 1st day of October next, be under the superintendence of such person as the Governor of Bombay in Council shall appoint.

III. Nothing in the foregoing sections shall be construed as interfering with the right of Government to grant such exemptions as may be deemed proper from payment of the prescribed Toll.

ACT No. XIX OF 1836.

Passed by the Right Honorable the Governor-General of India in Council on the 19th September 1836.

I. IT is hereby enacted, that, from the day of the passing of this Act, any person may hold capital stock of the Bank of Bengal to an amount not exceeding 1,60,000 Company's Rupees, and that any existing proprietor of stock of the said Bank may subscribe for additional stock of the said Bank in proportion to his interest, any restriction in the charter of the said Bank contained notwithstanding.

II. And it is hereby enacted, that the sum of 70 lacs of Sicca Rupees, which is the increased capital stock of the said Bank, shall, on or before the 1st of October 1836, be made up by the Governor-General of India in Council to the sum of 75 lacs of Company's Rupees.

III. And it is hereby enacted, that the said sum of 75 lacs of Company's Rupees shall, from the 1st day of October 1836, be the capital stock of the said Bank, and shall be divided into 1,875 shares of 4,000 Company's Rupees each.

IV. And it is hereby enacted, that 275 of the said shares, numbered from 1 to 275 inclusive, shall be the property of the Governor-General of India in Council, on behalf of the East India Company, and that the remaining 1,600 shares, numbered from 276 to 1,875 inclusive, shall be the property of those persons who, on the said 1st of October 1836, shall be proprietors of the capital stock of the said Bank, and that every such proprietor shall, for every sum of Sicca Rupees 3,750 of stock of the said Bank held by him, be entitled to one of the said shares.

V. And it is hereby enacted, that, on the 30th of September 1836, the account of the profits upon the capital stock of the said Bank, as consisting of 50 lacs of Sicca Rupees, divided into 500 shares, shall be wound up, and a dividend declared; and that from the 1st of October 1836 the holders of the new shares of

4,000 Company's Rupees each shall be entitled to share in the profits of the Bank in proportion to their interest, and that the first dividend on the said new shares shall be declared on the 1st of January 1837.

VI. And it is hereby enacted, that if the subscription for any share shall not be paid up on or before the 1st of October, such share shall become the property of the said Bank, and shall be sold for the benefit of the said Bank, and the profits of such sale shall be added to the profits of the said Bank.

VII. And it is hereby enacted, that certificates shall be granted for the said shares of 4,000 Company's Rupees each, in the same manner in which certificates have hitherto been granted for shares of the capital stock of the said Bank; and that the said shares of 4,000 Company's Rupees each shall be registered, and shall be transferable and assignable in the same manner in which shares of the capital stock of the said Bank have hitherto been.

VIII. And it is hereby enacted, that the said shares of 4,000 Company's Rupees each may be sub-divided into quarter shares of 1,000 Company's Rupees each, and that such quarter shares may be assigned, transferred, and reunited in the same manner in which fractional parts of shares of the capital stock of the said Bank have hitherto been assigned, transferred, and reunited.

IX. And it is hereby enacted, that the proprietors of the capital stock of the said Bank shall, from the 1st day of October 1836, be entitled at their meetings to vote according to the following scale:—

1	Share of 4,000 Co.'s Rs. shall entitle to	1	Vote.
5	Shares	2	Votes.
10	"	3	"
15	"	4	"
20	"	5	"
30	"	6	"
40	"	7	"

ACT No. XXII OF 1836.

Passed by the Right Honorable the Governor-General of India in Council on the 26th September 1836.

IV. And it is hereby enacted, that the said Governor shall be competent to fix a rate of rent to be levied on every boat which shall remain in any part of either of the lines aforesaid longer than two days for every hundred maunds of burden, and on every raft of timber which shall so remain longer than one day for every 10

timbers, and on every float of bamboos which shall so remain longer than one day for every 200 bamboos.

Act No. XXXIII. of 1836.

Passed by the Right Honorable the Governor-General of India in Council on the 10th October 1836.

I. IT is hereby enacted, that from the 15th day of November 1836, the ordinary functions of the courts of civil and criminal justice, and of the constituted revenue authorities, as well as the operation of the whole of the existing Regulations, shall be suspended within the Zemindarees of Goomsur and Soorada, and shall continue to be so suspended until this Act shall be repealed, or until such time as the Governor in Council of Fort St. George shall, by an Order in Council and Proclamation, declare that the ordinary Regulations shall be again put in force within those Zemindarees.

II. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George to appoint a Commissioner for the said Zemindarees, who shall exercise such powers as may be entrusted to him by the said Governor in Council of Fort St. George, and shall be guided in the discharge of his duties and functions by such instructions as he from time to time shall receive from the said Governor in Council.

III. And it is hereby enacted, that nothing in this Act shall be construed to affect the jurisdiction of the Court of Circuit, or Court of Sudder Foujdaree Adawlut in any case which may be depending before either of these courts on the 15th day of November 1836.

IV. And it is hereby enacted, that the Court of Circuit and Court of Sudder Foujdaree Adawlut shall have criminal jurisdiction over every person whom the Commissioner in Goomsur and Soorada, under the instructions of the Governor in Council of Fort St. George, may commit for trial, on the charge of any crime perpetrated before or during the operation of this Act; and in all such cases the Court of Circuit and Court of Sudder Foujdaree Adawlut shall be guided by the general Regulations in force.

Act No. XXVIII. of 1836.

Passed by the Right Honorable the Governor-General of India in Council on the 7th November 1836.

I. IT is hereby enacted, that from the 1st day of December 1836, no assessment made by the Justices of the Peace for the Presidency of Fort St. George under

the authority of the Act of Parliament of the 33 Geo. 3, c. 52, shall be levied, until the same shall have been approved by the Governor in Council of Fort St. George.

II. And it is hereby enacted, that it shall be lawful for the said Governor in Council of Fort St. George, by an Order in Council, to exempt any district, or portion of a district, from payment of any such assessment.

ACT. No. XXX. OF 1836.

Passed by the Right Honorable the Governor-General of India in Council on the 14th November 1836.

1. IT is hereby enacted, that whoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of Thugs, either within or without the territories of the East India Company, shall be punished with imprisonment for life, with hard labour.

II. And it is hereby enacted, that every person accused of the offence made punishable by this Act, may be tried by any Court, which would have been competent to try him if his offence had been committed within the Zillah where that Court sits, anything to the contrary in any regulation contained notwithstanding.

III. And it is hereby enacted, that no Court shall, on a trial of any person accused of the offence made punishable by this Act, require any futwa from any Law Officer.

ACT No. XXXII. OF 1836.

Passed by the Right Honorable the Governor-General of India in Council on the 28th November 1836,

I. IT is hereby enacted, that if any person after the 1st day of December 1836 lands or attempts to land in any part of the territories subject to the Government of the Presidency of Fort William in Bengal any sugar, which is not the growth of a British possession, into which foreign sugar cannot be legally imported, such sugar shall be seized and confiscated by the Collector of the Customs, or by any other officer thereunto authorized by the Governor of the said Presidency, unless the

district in which such sugar is landed, or in which an attempt has been made to land such sugar, be a district in which the Governor-General of India in Council has authorized the importation of such sugar.

II. And it is hereby enacted, that if any owner of sugar, the produce of the said territories, or duly authorized agent of such owner, desires to obtain a certificate of origin from the Collector or Assistant Collector of the land or custom revenue of any district within the said territories, or from any other officer appointed by the Governor-General of India in Council to give such certificates, such owner or agent shall, in the presence of the Officer from whom he desires to obtain such certificate, make and subscribe a declaration in the form contained in the Schedule hereunto annexed marked (A.)

III. And it is hereby enacted, that if the district be one into which the Governor-General of India in Council has not by any order authorized the importation of foreign sugar, or of sugar the growth of any British possession into which foreign sugar can be legally imported, the Officer before whom such a declaration as is aforesaid shall have been made, shall grant under his hand and seal to the declarant a certificate in the form contained in the Schedule hereunto annexed, marked (B.)

IV. And it is hereby enacted, that every person, who intends to ship sugar from any place within the said territories for any part of the United Kingdom, shall be entitled to produce to the Collector of Customs at that place, or to any other Officer who may have been appointed by the Governor-General of India in Council to act on such occasions in place of the Collector of Customs, a certificate, such as is above described, and also, in the presence of the Officer to whom he has so produced such certificate, to make and subscribe a declaration in the form contained in the Schedule hereunto annexed, marked (C.)

V. And it is hereby enacted, that the Officer to whom such a certificate shall have been so produced, and before whom a declaration in the last-mentioned form shall have been so made and subscribed, shall grant to the person who has made the last-mentioned declaration a certificate, in the form contained in the Schedule hereunto annexed, marked (D.)

VI. And it is hereby enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof before such Court as would be competent to try such person for perjury, be punished by fine to an amount not exceeding 5,000 Rupees, and imprisonment for a term not exceeding two years.

SCHEDULES.

(A)

I, *A. B.* solemnly declare that all the sugar herein under described is, to the best of my knowledge and belief, the produce of the district of

DESCRIPTION of the SUGAR to which the Declaration relates.

Quantity.	Quality.	Number and Denomination of Packages.

The day of 18 (Signed) *A. B.*

(B.)

I, *C.D.* Collector of land revenue [or Collector of custom revenue, or being an Officer appointed by the Governor-General of India in Council to act in this behalf] for the district of , do hereby, in conformity with the provisions of Act No. XXXII. of 1836, grant this certificate under my hand and seal, that the sugar herein under described is of the produce of the district of , and that the importation of foreign sugar, and of sugar the growth of any British possessions into which foreign sugar can be legally imported, is prohibited in the said district of

DESCRIPTION of the SUGAR to which this certificate relates.

Quantity.	Quality.	Number and Denomination of the Packages.	Name of the Declarant on whose Declaration the Certificate is given.

(L. S.) (Signed) *C. D.*

(C.)

I, *E. F.* shipper of the sugar hereinunder described, solemnly declare that all the sugar herein under described is, to the best of my knowledge and belief, the same sugar to which the certificate now produced by me relates.

DESCRIPTION of the SUGAR to which the declaration relates.

Quantity.	Quality.	Number and Denomination of Packages.	Name of Ship in which the Sugar is shipped, or to be shipped.	Name of the Master of the Ship.

(Signed) *E. F.*

(D.)

I, *G. H.* Collector of Customs [or being an Officer appointed by the Governor-General of India in Council to act in this behalf] for the port of , certify under my hand and seal, that there has been produced to me by *E. F.* the shipper of the sugar herein under described, a certificate under the hand and seal of *C. D.* Collector of land revenue [or Collector of customs revenue, or being an Officer appointed by the Governor-General of India in Council to act in this behalf] for the district of in the territories subject to the government of the Presidency of Fort William in Bengal, which certificate certifies that the said sugar is of the produce of the said district and that the importation of foreign sugar, or sugar the growth of any British possession, into which foreign sugar can be legally imported, is prohibited in the said district.

DESCRIPTION of the SUGAR to which this Certificate relates.

Quantity.	Quality.	Number and Denomination of Packages.	Name of the Ship.	Name of the Master of the Ship.

(L. S.) (Signed) *G. H.*

Act No. II. of 1837.

Passed by the Right Honorable the Governor-General of India in Council, on the 6th February 1837.

I. IT is hereby enacted, that from the 1st day of March next, Regulation IX. of 1830, and Regulation XI. of 1831, of the Bombay Code, and Act No. XVIII. of 1836, of the Governor-General of India in Council, be repealed.

II. And it is hereby enacted, that the following rates of Toll shall, from the said day, be levied in the Company's currency at the Toll gate of the Bhore Ghaut on vehicles and animals, both in going and returning :

On every four-wheeled carriage on springs	1 rupee.
On every two-wheeled carriage on springs, except native hackeries	½ rupee.
On every native hackery on springs	2 annas.
On every labor cart and labor hackery not on springs, and having wheels of less diameter than three feet six inches, and tires less in breadth than three inches, if drawn by two bullocks	½ rupee.
On every such labor cart and labor hackery drawn by four bullocks	1 rupee.
On every labor cart and labor hackery not on springs, and not having wheels of less diameter than three feet six inches, and tires less in breadth than three inches, if drawn by two bullocks	1 ½ anna.
On every such labor cart and labor hackery drawn by four bullocks	3 annas.
On every elephant	½ rupee.
On every camel	¼ rupee.
On every saddle-horse and harness-horse	1 anna.
On every tattoo...	6 pie.
On every score of sheep or goats	2 annas.
On horned cattle per head	2 pie.
On every beggary carrying a load for hire	2 pie.
On every mule not used for riding	3 pie.
On every mule used for riding	1 anna.
On every ass	1 pie.
On every palna or small native palanquin	¼ rupee.

III. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay to appoint persons for the collection of the Tolls aforesaid, which persons shall, in the execution of such their office, be liable to the same responsi-

bility as would attach to them if they were employed in the collection of the land revenue.

IV. And it is hereby enacted, that it shall be lawful for the persons employed in the collection of the Tolls aforesaid, in case of non-payment of the Toll on any property, to stop such property, or such part thereof as may be adequate to the discharge of the Toll due, and that every police officer when thereunto required shall be assisting to the persons employed in the collection of the Tolls aforesaid in the discharge of their duties.

V. And it is hereby enacted, that in case any Toll due shall remain unpaid for the space of 24 hours after such detention of property as is aforesaid, it shall be lawful for such person as the Governor in Council of Bombay shall appoint to act in that behalf, to direct the sale of the property detained, and to reserve out of the proceeds of such sale a sum equivalent to the Toll-due; and also in cases in which it shall appear to that person that the payment of the Toll has been contumaciously refused, to reserve a fine not exceeding five rupees; and that the surplus, if any, shall be repaid to the owners of the property on application.

VI. Provided always, that nothing herein contained shall be taken to deprive the owner of any property detained as aforesaid of his right of action in the civil court of the Zillah for any injury which may have been done to him under color of carrying this Act into execution.

VII. Provided also, that nothing herein contained shall be held to prevent the Governor in Council of Bombay from granting any exemption from payment of the said Tolls, or from granting a farm of the said Tolls.

Act No. III. of 1837.

Passed by the Right Honorable the Governor-General of India in Council, on the 13th March 1837.

I. IT is hereby enacted, that it shall be lawful for each of the Courts of Sudder Dewanny Adawlut within the territories subject to the presidency of Fort William in Bengal to direct, by an order authenticated by the official signature of the Register of such Court of Sudder Dewanny Adawlut, that the cognizance of any original suit, or of any appeal which may be brought before any zillah or city Court subordinate to such Court of Sudder Dewanny Adawlut, shall be transferred to any other zillah or city Court subordinate to the same Court of Sudder Dewanny Adawlut.

II. Provided always, that, whenever either of the said Courts of Sudder Dewanny Adawlut shall, in the exercise of the power given by the preceding clause,

direct the transfer of the cognizance of any suit, such Court of Sudder Dewanny Adawlut shall cause the reasons for such transfer to be recorded on its proceedings.

Act No. V. of 1837.

Passed by the Right Honorable the Governor-General of India in Council, on the 1st May 1837.

I. It is hereby enacted, that from the 1st day of June next no native of India, except as hereinafter excepted, who makes a contract of service to be performed without the said territories, shall be received in pursuance of such contract on board of any vessel at any place within the territories subject to the Presidency of Fort William in Bengal without an order from the Governor of the said Presidency, or a permit from an officer authorized by the Governor of the said Presidency, to act in that behalf.

II. And it is hereby enacted, that before any such permit shall be granted by any such officer, such native, and also the person with whom such native has contracted, or an authorized agent of that person shall personally appear before that officer and shall exhibit a memorandum of the contract (written both in English and in the mother tongue of such native, or in some language understood by such native,) which memorandum shall specify the nature, the term, and the wages of the service as settled by the contract.

III. And it is hereby enacted, that no such permit shall be granted, unless the contract of service shall be made determinable on the expiration of one term of not more than five years, to be reckoned from the date of the contract, or of successive terms, none of which shall exceed five years, and unless such contract shall contain a stipulation that such native shall be conveyed back to the port at which he is embarked free of charge to himself at the expiration of his service.

IV. And it is hereby enacted, that it shall be lawful for the said officer to examine the said native, and the person with whom that native has contracted, or the agent of that person, touching the terms of the contract, and shall cause those terms to be distinctly explained to the said native.

V. And it is hereby enacted, that if the said officer shall be satisfied that the said native fully understands the terms of the contract, and is desirous to fulfil the same, the said officer shall make and sign, on the back of the written memorandum aforesaid, a note to the effect that the said written memorandum has been inspected by him, the said officer; and such note shall be a permit authorizing the said native to embark, and the memorandum of contract, with the permit so written thereupon, shall be delivered to the native, to be kept by him during his service.

VI. And it is hereby enacted, that, if application is made for permits authorizing more than 20 natives to embark on board of any one vessel, it shall be lawful for the officer aforesaid to summon the person in charge of that vessel, and to examine that person as to the accommodations, food, and medical attendance provided for such natives on board of that vessel, and to inspect that vessel, or by an order under his hand to depute any other person to inspect the same.

VII. And it is hereby enacted that the officer aforesaid shall not grant permits authorizing a greater number of natives than 20 to embark on board of any one vessel, unless he is satisfied that the accommodations, food, and medical attendance provided for such natives on board of that vessel, will be sufficient for their health.

VIII. And it is hereby enacted, that the officer aforesaid shall keep a Register of all natives to whom he shall grant such permits as aforesaid, which Register shall specify their names, the periods of the contracts, the dates of the permits, the places of their destination, and the vessel on board of which they were permitted to embark.

IX. And it is hereby enacted, that for every such permit it shall be lawful for the officer aforesaid to require that a fee not exceeding one rupee shall be paid by the person with whom the native to whom the permit relates has contracted, or by the authorized agent of that person.

X. And it is hereby enacted, that whoever, being in charge of any vessel at any place within the territories subject to the Presidency of Fort William in Bengal shall knowingly suffer any such native as is aforesaid to embark on board of that vessel in pursuance of any such contract as is aforesaid, without either an order from the Governor of the said Presidency, or such a permit as is aforesaid being produced to him by the native so embarking, shall, on conviction thereof before a Magistrate, be punished with a fine not exceeding 200 Rupees for every native so suffered to embark, and in default of payment of such fine, with imprisonment for a term not exceeding 30 days for every native so suffered to embark.

XI. Provided always, that nothing in this Act contained shall be taken to apply to any native seaman who shall embark on board of any vessel in pursuance of a contract to navigate that vessel, or to any person who shall embark as a menial servant.

Act No. V of 1837.

Passed by the Right Honorable the Governor-General of India in Council, on the 8th May 1837.

I. IT is hereby enacted, that from the 1st day of July 1837 the districts of Anjengo and Changanacherry shall form a separate jurisdiction, which shall belong

to the western division of the territories, subject to the Government of the Presidency of Fort St. George.

II. And it is hereby enacted, that from the said day the British resident in Travancore shall exercise the powers of Judge and Criminal Judge within the said jurisdiction, sending to Calicut the parties and proceedings in cases to be tried by the Court of Circuit, and that the said resident shall also exercise within the said jurisdiction all the powers of a Magistrate, anything contained in the Regulations of the Madras Code to the contrary notwithstanding.

Act No. XII. of 1837.

Passed by the Right Honorable the Governor-General of India in Council, on the 5th June 1837.

I. IT is hereby enacted, that every house and outhouse built within the city of Calcutta, after the 1st day of November 1837, shall be covered with an outer roof of incombustible materials, and that, if any house or outhouse be built in contravention of this provision, the owner of such house or outhouse shall, on conviction before a Magistrate, be punished with fine not exceeding 100 rupees.

II. And it is hereby enacted, that it shall be lawful for the Superintendent of the Police of the said city, from the date of the passing of this Act, to tender to the owner of any house or outhouse within the said city, which house or outhouse may have been built before the said 1st day of November 1837, and which may not be covered with an outer roof of incombustible materials, a sum of money to defray the expense of covering such house or outhouse with such an outer roof, and that if the owner of such house or outhouse shall accept the sum so tendered, and shall engage that such house or outhouse shall be covered with such an outer roof within a certain time, and shall not within that time cause such house or outhouse to be covered with such an outer roof, such owner shall, on conviction before a Magistrate, be punished with a fine not exceeding ten times the sum so accepted by such owner.

III. And it is hereby enacted, that, if any house or outhouse shall be built in contravention of the provision contained in section I of this Act, or if any owner of a house or outhouse shall refuse to accept a sum of money tendered by the said Superintendent in the manner described in section II. of this Act, it shall be lawful for the said Superintendent to cause such house or outhouse to be covered with an outer roof of incombustible materials without the consent of the owner thereof, and to cause such alterations to be made in the walls of such house or outhouse, as may enable such walls to support such outer roof, and to defray the expense out of any

funds which may be put at the disposal of the said Superintendent for that purpose, either by the Government or by any private person, or body of private persons.

IV. And it is hereby enacted, that whoever shall wilfully obstruct the said Superintendent, or any person acting under the authority of the said Superintendent, in the exercise of the powers given to the said Superintendent by section III. of this Act, shall, on conviction before a Magistrate, be punished with a fine not exceeding 100 Rupees, in excess of any punishment to which the person so obstructing may be liable by reason of any other offence which he may commit in the course of such obstruction.

V. And it is hereby enacted, that all fines levied under the authority of this Act shall be paid into the general Treasury, and shall be applied to the purpose of defraying expenses incurred in carrying this Act into execution.

Act No. XV. of 1837.

Passed by the Right Honorable the Governor-General of India in Council on the 19th June 1837.

I. IT is hereby enacted, that from the 1st day of July 1837 it shall be lawful for the several Magistrates and Joint Magistrates within the Presidency of Fort William in Bengal to appropriate a portion of the tax levied under Regulation XXII. 1816 of the Bengal code, to the purpose of cleansing and repairing the towns in which that tax is levied.

II. And it is hereby enacted, in lieu of the maximum rate prescribed by the sunnud of appointment referred to in section X. of the abovementioned Regulation, that, after the 1st day of July 1837, it shall be competent to the punchayet appointed by the said sunnud to fix the rate of assessment to be levied from the proprietor or principal occupier of any shop or habitation at two Company's Rupees per mensem.

III. And it is hereby enacted, that no person whatever shall, either by reason of place of birth, or by reason of descent, be exempted from the payment of any assessment under Regulation XXII. of 1816 of the Bengal code, or under this Act.

Act No. XVII. of 1837.

Passed by the Right Honorable the Governor-General of India in Council on the 24th July 1837.

I. IT is hereby enacted, that Regulation XI. of 1830 of the Bombay code, shall be repealed.

II. And it is hereby enacted, that the exclusive right of conveying letters by post for hire from place to place, within the territories of the East India Company, shall be in the Governor-General of India in Council.

III. Provided always, that it shall be competent to the said Governor-General of India in Council, and to any authority thereunto empowered by the said Governor-General in Council, to grant to any person or persons a license, permitting such person or persons to convey letters by post for hire from place to place within the said territories, and that it shall be lawful for any person or persons, having such a license, to convey letters in conformity with the terms of such license.

IV. And it is hereby enacted, that it shall be lawful for the said Governor-General in Council, and for any authority which may have granted any such license as is described in the preceding section, to revoke such license at pleasure.

V. And it is hereby enacted, that whoever, otherwise than under the authority of the said Governor-General in Council, or in conformity with the terms of such a license as is aforesaid, knowingly conveys any letters by post for hire from place to place within the said territories, or receives any letter or packet of letters, in order to such conveyance, or delivers any letter according to its direction, knowing the same to have been so conveyed, or is accessary to such conveyance, receipt or delivery, shall be punished with fine not exceeding 50 Rupees for every letter so conveyed, received or delivered.

VI. And it is hereby enacted, that inland postage duties shall be levied on the conveyance of letters and packets by the government post, at the rates set forth in the Schedule marked (A) which is annexed to this Act, and that the full postage shall be paid either on receipt or on delivery, at the option of the sender, and that if the thing conveyed be transferred from a post office in one Presidency to a post-office in another Presidency, no additional charge shall be made on account of such transfer.

VII. And it is hereby enacted, that, when there is a banghy established on a line of road, no person shall be entitled to demand that any letter or packet, exceeding 12 tolas in weight, shall be conveyed by the letter post on that line of road.

VIII. And it is hereby enacted, that, when there is no banghy established on a line of road, letters and packets exceeding 12 tolas in weight, and not exceeding 40 tolas in weight, shall be conveyed on that line of road by the letter post, and every such letter or packet shall be charged with the postage of a letter or packet of the same description, of 12 tolas weight sent by letter post.

IX. And it is hereby enacted, that no packet of the description mentioned in Table 2 of Schedule (A) shall contain any writing whatever other than writing which is necessarily part of the document which such packet is stated to contain, by attes-

tation on the cover of such packet, and that whoever shall send any such packet by the Government post, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of 50 rupees.

X. And it is hereby enacted, that no packet of the description mentioned in Table 3 of Schedule (A.), shall contain any writing whatever, except the direction on the cover, and that whoever shall send any such packet by the government post, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of 50 rupees.

XI. And it is hereby enacted, that proof sheets, marked as such, may be sent by letter post at the rates set forth in Table 3 of Schedule (A.), provided they be brought to the Dispatching-office open, and be sealed in presence of the person in charge of such office.

XII. And it is hereby enacted, that the said Governor General in Council shall frame a scale of distances, as nearly as practicable according to the distance by the nearest road between post-office stations, and that the rates of inland postage shall be calculated according to this scale.

XIII. And it is hereby enacted, that steam-postage, according to such rates as may from time to time be fixed by the Governor-General in Council, shall be levied on all letters and packets sent or received by any government steamer, and that such steam postage shall be in excess of any inland postage to which such letters or packets may be liable.

XIV. And it is hereby enacted, that ship postage according to the rates fixed in Schedule (B.) annexed to this Act, shall be levied on all letters or packets sent or received by sea through any government post-office, and not liable to steam postage.

XV. And it is hereby enacted, that, when any vessel arrives by sea at any place within the said territories at which there is a government post-office, the commander of such vessel shall, as speedily as possible, cause every letter and packet on board of such vessel which is directed to that place, and which was not specially entrusted for separate delivery, to be delivered either at the post-office, or to some officer of the post-office authorized to receive the same; and that, if there be on board any letter or packet directed to any other place, and not specially entrusted for separate delivery, the said commander shall, as speedily as possible, report the same to the postmaster-general, or post-master of the place at which he has arrived, and shall act according to such directions as he may receive from such postmaster-general or postmaster; and that the receipt of such postmaster-general or postmaster shall discharge such commander of all responsibility in respect of such letter or packet.

XVI. And it is hereby enacted, that every commander of a vessel, who shall wilfully disobey any of the directions contained in the preceding section, shall be punished with fine, not exceeding 1,000 rupees.

XVII. And it is hereby enacted, that, for every letter or packet delivered by a commander of a ship in conformity with the directions of section XV. of this Act, the officer in charge of the post-office shall pay to the said commander the sum of one anna.

XVIII. And it is hereby enacted, that, whenever any letter or packet is transhipped for transmission to any other place within the said territories, the commander of the vessel, which originally brought such letter or packet, shall be entitled to receive one anna for every such letter or packet; and that the commander of the vessel, into which the letter or packet is transhipped, shall be entitled to receive half an anna from the person in charge of the post-office at the place of delivery, provided that the said last-mentioned commander delivers the same in conformity with the directions contained in section XV. of this Act.

XIX. Provided always, that no payment shall be made to the commander of any vessel on account of the delivery of any letter or packet, unless the claim of such commander shall be preferred before the vessel leaves the place at which the letter or packet was delivered, or before the expiration of three months from the date of the arrival of the packet at the place of ultimate delivery.

XX. And it is hereby enacted, that the commander of every vessel, leaving any place in the said territories by sea, shall receive on board of such his vessel every letter and packet which he shall be required to receive by any officer of the post-office, and shall sign a receipt for such letters and packets; and that every commander of a vessel who shall wilfully disobey any direction of this clause shall be punished with a fine not exceeding 1,000 rupees.

XXI. And it is hereby enacted, that, whenever any letter or packet, the postage of which has not been paid, shall be delivered by any person employed by the post-office, the person to whom it is delivered shall not be bound to pay the postage, if he returns the letter or packet unopened, but if he opens the same he shall be bound to pay the postage due thereon; provided always, that, if the letter or packet shall appear to have been maliciously sent for the purpose of annoying the person to whom it is directed, the postmaster-general, or postmaster of the office from which the delivery took place, shall remit the said postage.

XXII. And it is hereby enacted, that every letter or packet, which is rejected unopened by the person to whom it is directed, shall be returned by post to the sender, and that the said sender shall be bound to pay the return postage thereon, unless direct postage has already been paid thereon.

XXIII. And it is hereby enacted, that, whenever any letter or packet, the sender of which is unknown, shall be rejected unopened by the person to whom it is directed, such letter or packet shall be opened by the officer in charge of the post-office from which such letter or packet was delivered to that person.

XXIV. And it is hereby enacted, that, if any person shall refuse to pay any postage which he is legally bound to pay for any letter or packet, it shall be lawful for the officer in charge of the post-office from which such letter or packet was delivered, to withhold from the person so refusing, till such postage be paid, any letter directed to that person upon which postage has not been paid by the sender.

XXV. And it is hereby enacted, that all letters and packets, which have remained three months unclaimed at any post-office, shall be transmitted to the General Post-office of the Presidency.

XXVI. And it is hereby enacted, that, at intervals not exceeding three months, lists of all unclaimed letters and packets which are in the General Post-office of any Presidency, shall be published in the Official Gazette of that Presidency.

XXVII. And it is hereby enacted, that every letter and packet which may have remained 18 months unclaimed in the General Post-office of any Presidency, shall be opened by the postmaster-general of that Presidency, and that all valuable property which such letter or packet may contain shall be paid into the Government Treasury for the benefit of any party who may have a right thereto, and that, when 12 months shall have elapsed after the opening of such unclaimed letter or packet, it shall be lawful for the said postmaster-general, if such letter or packet still continues to be unclaimed, to destroy the same.

XXVIII. And it is hereby enacted, that the privilege of sending aud receiving all letters and packets by letter post free of postage, and of sending and receiving letters and packets by banghy on the public service free of postage, shall be allowed to the persons hereinafter mentioned, viz.,

His Majesty's Principal Secretaries of State.

President and Secretaries of the Board of Control.

The Chairman, Deputy-Chairman, and Directors of the East India Company.

Secretary, Deputy-Secretary, and Assistant-Secretary at the India House.

The Governor-General.

The Governors of Bengal, Madras, and Bombay.

The Governor of Ceylon.

The Lieutenant-Governor of the North-Western Provinces.

The Chief Justices of Bengal, Madras, and Bombay.

The Bishops of Calcutta, Madras, and Bombay.

The Members of the Supreme Council.

The Members of Council of Madras and Bombay.

The Puisne Judges of the Supreme Courts of Bengal, Madras, and Bombay.

The Recorder of Prince of Wales' Island, Singapore, and Malacca.

The Commander-in-Chief of His Majesty's Naval Forces.

The Commander-in-Chief of the Army in India.

The Commanders-in-Chief of the Army at Madras and Bombay.

And that the letters aud packets sent by any of the persons aforesaid shall be franked in such manner as may be directed by the Governor-General of India in Council.

XXIX. And it is hereby enacted, that it shall be competent to the said Governor-General of India in Council, by an Order in Council, to grant to any person or body of persons, the privilege of sending or receiving letters or packets either by letter post, or banghy. free of postage, on such conditions and under such rules as the said Governor-General in Council may direct.

XXX. And it is hereby enacted, that if any postmaster-general or postmaster shall suspect that any letter or packet lying for delivery at his post-office contains any contraband article, or any article on which duty is owing to government, or that any letter or packet lying for delivery at that post-office contains any writing in contravention of the provisions of sections IX. and X. of this Act, it shall be lawful for such officer to summon the person to whom the letter or packet is directed, to attend at the post-office, by himself or agent, within 48 hours after the arrival of the letter or packet at that post-office, and to open the letter or packet in the presence of the person to whom the letter or packet is directed, or of that person's agent; and if that person shall not so attend, by himself or agent, then to open the letter or packet in the absence of that person.

XXXI. And it is hereby enacted, that the Government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the post-office for conveyance, and that no person employed by the government in the post-office department shall be responsible for any such loss or damage, unless that person had caused such loss or damage maliciously or fraudulently.

XXXII. And it is hereby enacted, that all fines, incurred under any of the preceding provisions of this Act, may be levied on conviction before any Magistrate or Justice of the Peace, or before any person exercising the powers of a Magistrate; Provided always, that no person not a postmaster-general, or postmaster, shall be competent to institute any prosecution for any violation of any of the preceding provisions of this Act.

XXXIII. And it is hereby enacted, that whoever, being in the employ of the government in the post-office department, or being in the employ of any person or

persons who may contract with the government to convey letters or packets by post for hire, shall fraudulently appropriate any letter or packet which may have been entrusted to him, or anything contained in any such letter or packet, or shall open any such letter or packet, or any banghy box, with the intention of fraudulently appropriating anything therein contained, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

XXXIV. And it is hereby enacted, that whoever, being in such employ as is described in the last section, and being entrusted to receive money for postage duty, shall fraudulently appropriate the same, shall be punished on conviction before a Magistrate with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXV. And it is hereby enacted, that whoever, being in such employ as is described in section XXXIII., shall fraudulently put any wrong mark on any letter or packet, or shall fraudulently alter or cause to disappear any mark which is on any letter or packet, shall be punished on conviction before a Magistrate with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXVI. And it is hereby enacted, that whoever, being in such employ as is described in section XXXIII. and being entrusted with the preparing or keeping of any document, shall with a fraudulent intention prepare that document incorrectly, or alter that document, or secrete or destroy that document, shall be punished on conviction before a Magistrate with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXVII. And it is hereby enacted, that whoever, being in such employ as is described in section XXXIII., puts any letter or packet into the wallets of the post office, intending thereby to defraud the Government of the postage duty on such letter or packet, shall be punished on conviction before a Magistrate with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXVIII. And it is hereby declared, that the tola weight mentioned in this Act is the tola of 180 grains troy, being the standard weight of the Company's rupee.

XXXIX. And it is hereby enacted, that this Act shall have effect from the 1st day of October 1837, and that no postage duty shall be levied under the authority of this Act on any letter which shall be received at any post-office before the said 1st of October 1837.

SCHEDULE (A.) of Postage Duties on Letters, Parcels, Newspapers, &c., and of *Banghy* Postage.

1.

Letters.

Miles.	Single. Not exceeding One Tola.	Double. Exceeding One Tola and not exceeding Two Tolas.	
	Annas.	*Rupees.*	*Annas.*
20	1	0	2
50	2	0	4
100	3	0	6
150	4	0	8
200	5	0	10
250	6	0	12
300	7	0	14
400	8	1	0
500	9	1	2
600	10	1	4
700	11	1	6
800	12	1	8
900	13	1	10
1,000	14	1	12
1,200	15	1	14
1,400	1 rupee.	2	0

And upwards; single postage being added for each additional tola.

2.

Law Papers, Accounts, and Vouchers, attested as such with the full signature of the sender.

Miles.	Single. Not exceeding Three and a half Tolas.	Double. Exceeding Three and a half Tolas, and not exceeding Six Tolas.	
	Annas.	*Rupees*	*Annas*
20	1	0	2
50	2	0	4
100	3	0	6
150	4	0	8
200	5	0	10
250	6	0	12
300	7	0	14
400	8	1	0
500	9	1	2
600	10	1	4
700	11	1	6
800	12	1	8
900	13	1	10
1,000	14	1	12
1,200	15	1	14
1,400	1 rupee.	2	0

And upwards; single postage being added for every three additional tolas.

3.

Newspapers, Pamphlets, and other Printed or Engraved Papers, packed in short covers, open at each end.

Distance.	Newspapers, Pamphlets, &c. printed in India. Weight. Not exceeding Three and a half Tolas.	Exceeding Three and a half Tolas, and not exceeding Six Tolas.	Exceeding six Tolas and not exceeding Nine Tolas.	Imported Newspapers, Pamphlets, &c. Weight. Not exceeding Six Tolas.	Exceeding Six Tolas and not exceeding Twelve Tolas.
	Annas.	*Annas.*	*Annas.*	*Annas.*	*Annas.*
Not exceeding 20 miles ...	1	2	3	1	2
—— ... 400 ditto ...	2	4	6	2	4
Above ... 400 ditto ...	3	6	9	3	6
	Single postage being added for every additional three tolas.			Single postage being added for every additional six tolas.	

SCHEDULE (A.) of Postage Duties on Letters, Parcels, Newspapers, &c., and of *Banghy* Postage.—*(Continued.)*

4.

Parcels sent by the Public Banghy not exceeding 600 Tolas in weight, nor 15 Inches long by 12 deep and 12 broad, or 2,160 cubic Inches in size.

Distance.	WEIGHT.											
Not exceeding Miles.	Not Exceeding Tolas.											
	50.	100.	150.	200.	250.	300.	350.	400.	450.	500.	550.	600.
	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.
50	0 6	0 12	1 3	1 8	1 14	2 4	2 10	3 0	3 6	3 12	4 2	4 8
100	0 9	1 2	1 11	2 4	2 13	3 6	3 15	4 8	5 1	5 10	6 3	6 12
150	0 12	1 8	2 4	3 0	3 12	4 8	5 4	6 0	6 12	7 8	8 4	9 0
200	0 15	1 14	2 13	3 12	4 11	5 10	6 9	7 8	8 7	9 6	10 5	11 4
250	1 2	2 4	3 6	4 8	5 10	6 12	7 14	9 0	10 2	11 4	12 6	13 8
300	1 5	2 10	3 15	5 4	6 9	7 14	9 3	10 8	11 13	13 2	14 7	15 12
400	1 8	3 0	4 8	6 0	7 8	9 0	10 8	12 0	13 8	15 0	16 8	18 0
500	1 11	3 6	5 1	6 12	8 7	10 2	11 13	13 8	15 3	16 14	18 9	20 4
600	1 14	3 12	5 10	7 8	9 6	11 4	13 2	15 0	16 14	18 12	20 10	22 8
700	2 1	4 2	6 3	8 4	10 5	12 6	14 7	16 8	18 9	20 10	22 11	24 12
800	2 4	4 8	6 12	9 0	11 4	13 8	15 12	18 0	20 4	22 8	24 12	27 0
900	2 7	4 14	7 5	9 12	12 3	14 10	17 1	19 8	21 15	24 6	26 13	29 4
1,000	2 10	5 4	7 14	10 8	13 2	15 12	18 6	21 0	23 10	26 4	28 14	31 8
1,200	2 13	5 10	8 7	11 4	14 1	16 14	19 11	22 8	25 5	28 2	30 15	33 12
1,400 and upwards.	3 0	6 0	9 0	12 0	15 0	18 0	21 0	24 0	27 0	30 0	33 0	36 0

5.

Books, Pamphlets, Packets of Newspapers, and any written, printed, or engraved Papers, sent by the public Banghy, not exceeding 40 Tolahs in weight, and packed in short covers, open at each end.

Not exceeding Miles.	Not exceeding 20 Tolas.	Exceeding 20 Tolas and not exceeding 40 Tolas.	
	Annas	Rupees	Annas
100	2	0	4
200	3	0	6
300	4	0	8
400	5	0	10
500	6	0	12
600	7	0	14
700	8	1	0
800	9	1	2
900	10	1	4
1,000	11	1	6
1,100	12	1	8
1,200	13	1	10
1,300	14	1	12
1,400	15	1	14
upwards.	1 rupee.	2	0

SCHEDULE (B).

Ship Postage, to be Levied in addition to Land Postage, on Letters received or sent by Sea.

Letters		Newspapers, Pamphlets, and other printed Papers, packed in short covers, open at each end.	Parcels not exceeding 300 Tolas Weight.
Outward.	Inward.		
Not exceeding Three Tolas.	Not exceeding Three Tolas.	Not exceeding Six Tolas weight.	Not exceeding 100 Tolas Weight.
Annas.	Annas.	Annas.	Annas.
2	3	1	2
An anna being added for every additional tolah.		An anna being added for every additional six tolahs weight.	Two annas being added for every additional 100 tolas up to 300 tolas, beyond which no Parcel will be received.

Act No. XVIII. of 1837.

Passed by the Right Honorable the Governor-General of India in Council on the 7th August 1837.

IT is hereby enacted, that any person charged with murder by Thuggee, or with the offence of having belonged to a gang of Thugs, made punishable by Act No. XXX. of 1836, may be committed by any Magistrate or Joint Magistrate within the territories of the East India Company for trial before any criminal court competent to try such person on such charge.

Act No. XXI. of 1837.

Passed by the Right Honorable the Governor-General of India in Council on the 25th September 1837.

IV. And it is hereby enacted, that whoever shall, in any declaration made and subscribed according to the provisions of this Act, knowingly state any untruth, such that if that untruth had been stated on oath, the person stating it would have been guilty of perjury, shall be punished with imprisonment for a term not exceeding one year, or fine, or both.

Act No. XXII. of 1837.

Passed by the Right Honorable the Governor-General of India in Council on the 25th September 1837.

III. Provided always, that in the exercise of this jurisdiction the said superintendent of police and the said deputies shall not be subject to the orders of the court of circuit for the centre division of the Madras territories, nor be bound by any rule in the Madras code of Regulations to furnish any calendar, list, or report to that court, but shall be immediately subject to the orders of the court of Foujdarry Adawlut, and shall furnish to the court of Foujdarry Adawlut such lists or calendars of charges preferred before them, or of persons sentenced to punishment by them, as the said court of Foujdarry Adawlut may direct.

V. Provided also, that the provisions of clause 5th of section VIII. of Regulation XV. of 1803 of the Madras code, shall be applicable to all convicts on whom sentence of imprisonment shall have been passed by the said Superintendent of Police or by any of the said deputies, in the exercise of the jurisdiction transferred to them by this Act.

Act No. XXIII. of 1837.

Passed by the Right Honorable the Governor-General of India in Council on the 2d October 1837.

IT is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to invest Principal Sudder Ameens, at stations where gaol deliveries are held, with the same powers of commitment in cases of perjury as are exercised by the criminal judges under section III. Regulation VIII. of 1829 of the Madras code.

Act No. XXV. of 1837.

Passed by the Right Honorable the Governor-General of India in Council on the 2nd Octber 1837.

III. And it is hereby enacted, that it shall be competent to every Zillah or City Judge within the said territories to refer for trial and decision any original suit preferred under the provisions of clause 1, section XXX. Regulation II. 1819 of the Bengal code, to any Principal Sudder Ameen, any thing in the existing Regulations to the contrary notwithstanding.

IX. And it is hereby enacted, that clause 2, section II. Regulation VII. 1832 be repealed, and that in all cases in which an appeal from the orders or decision of a Principal Sudder Ameen to a Zillah or City Judge is authorized by law, such appeal shall not be received, unless the same be preferred within the period of 30 days from the date of the order or decision of the said Principal Sudder Ameen,, to be calculated according to the rules prescribed in clause 10, section VIII. Regulation XXVI 1814, or unless it shall be proved that the appellant wus prevented by circumstances beyond his control from presenting his appeal within the above-mentioned period.

Act No. XXVII. of 1837.

Passed by the Honorable the President of the Council of India in Council on the 8th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, there shall be paid to the Government on every maund of 3,200 tolas of salt that may be delivered from any salt work in the territories subject to the Government of the Presidency of Bombay, a duty of eight annas, except only in cases in which the Governor in Council of Bombay may grant a remission of such duty.

XII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, shall accept or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Act No. XXX. of 1837.

Passed by the Honorable the President of the Council of India in Council on the 20th November 1837.

IT is hereby enacted, that from the 15th day of December 1837, all aumeens of police, who have been or may be appointed according to section XL. Regulation XI. of 1816 of the Madras code to act with the police powers vested in Tuhsildars by that Regulation, shall possess all police powers and criminal judicial powers which are vested in Tuhsildars within the territories subject to the Presidency of Fort St. George, by any law or regulation whatever, and shall be subject to all provisions to which, by any law or regulation, Tuhsildars are subject in respect of any of those powers.

Act No. XXXI. of 1837.

Passed by the Honorable the President of the Council of India in Council on the 20th November 1837.

I. IT is hereby enacted, that so much of Act No. XVII. of 1835, as directs that certain coins, issued from the mints within the territories of the East India Company, shall bear on the obverse the head of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, shall be suspended, till the Governor-General of India in Council shall, by an Order in Council, declare those parts of the said Act to be again in force.

II. And it is hereby enacted, that, till the said Governor-General in Council shall make such an Order in Council as is aforesaid, the said coins shall bear on their obverse the head of his late Majesty, William the Fourth.

Act No. XXXII. of 1837.

Passed by the Honorable the President of the Council of India in Council on the 20th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, Act No. V of 1837 be repealed.

II. And it is hereby enacted, that from the said day no native of India, except as hereinafter excepted, who makes a contract of service to be performed without the territories of the East India Company, shall embark, in pursuance of such contract, on board of any vessel, at any place within the said territories, without an order from the Government of the Presidency to which such place may belong, or a permit from an officer authorized to act in that behalf by the Governor in Council of the Presidency, if there be a Council of that Presidency, but if there be no Council then by the Governor thereof.

III. And it is hereby enacted, that before any such permit shall be granted by any such officer, such native, and also the person with whom such native has contracted, or an authorized agent of that person, shall personally appear before that officer, and shall exhibit a memorandum of the contract, written both in English and in the mother tongue of such native, which memorandum shall specify the nature, the term, and the wages of the service, as settled by the contract.

IV. And it is hereby enacted, that no such permit shall be granted, unless the contract of service shall be made determinable on the expiration of one term of not more than five years to be reckoned from the date of the contract, or of successive terms, none of which shall exceed five years; and unless such contract shall contain a stipulation that such native shall be conveyed back to the port at which he is embarked, free of charge to himself at the expiration of his service.

V. And it is hereby enacted, that it shall be lawful for the said officer to examine the said native, and the person with whom that native has contracted, or the agent of that person, touching the terms of the contract, and shall cause those terms to be distinctly explained to the said native.

VI. And it is hereby enacted, that if the said officer shall be satisfied that the said native fully understands the terms of the contract, and is desirous to fulfil the same, the said officer shall make and sign on the back of the written memorandum aforesaid, a note to the effect that the said written memorandum has been inspected by him the said officer; and such note shall be a permit, authorizing the said native to embark; and the memorandum of contract, with the permit so written thereupon, shall be delivered to the native, to be kept by him during his service.

VII. And it is hereby enacted, that, if application is made for permits authorizing more than 20 natives to embark on board of any one vessel, it shall be lawful for the officer aforesaid to summon the person in charge of that vessel, and to examine that person as to the accommodations, food and medical attendance provided for such natives on board of that vessel, and to inspect that vessel, or by an order under his hand, to depute any other person to inspect the same.

VIII. And it is hereby enacted, that the officer aforesaid shall not grant permits authorizing a greater number of natives than 20 to embark on board of any one vessel, unless he is satisfied that the accommodations, food and medical attendance, provided for such natives on board of that vessel, will be sufficient for their health.

IX. And it is hereby enacted, that the officer aforesaid shall keep a register of all natives to whom he shall grant such permits as aforesaid, which register shall specify their names, the periods of the contracts, the dates of the permits, the places of their destination, and the vessel on board of which they are permitted to embark: and also the names of the parties with whom the contracts are made, and of the agents of such parties as appear by agents, and of the masters of the vessels on which such natives are permitted to embark.

X. And it is hereby enacted, that for every such permit it shall be lawful for the officer aforesaid to require that a fee not exceeding One Rupee, shall be paid by the person with whom the native to whom the permit relates has contracted, or by the authorized agent of that person.

XI. And it is hereby enacted, that whoever, being in charge of any vessel at any place within the territories of the East India Company, shall knowingly suffer any such natives as is aforesaid to embark on board of that vessel in pursuance of any such contract as is aforesaid, without either an order from the Government of the Presidency to which such place may belong, or such a permit as is aforesaid being produced to him by the native so embarking, shall, on conviction thereof before a Magistrate, be punished with a fine not exceeding 200 Rupees for every native so suffered to embark, and, in default of payment of such fine, with imprisonment for a term not exceeding 30 days for every native so suffered to embark.

XII. Provided always, that nothing in this Act contained shall be taken to apply to any native seaman, who shall embark on board of any vessel in pursuance of a contract to navigate that vessel, or to any person who shall embark as a menial servant.

ACT No. XXXIII. OF 1837.

Passed by the Honorable the President of the Council of India in Council on the 20th November 1837.

I. IT is hereby enacted, that, from the 15th day of December 1837, the provisions of clauses 2 & 3, section IV. Regulation of 1821 of the Madras code, shall apply to all petty offences cognizable by heads of district police, as well as to petty thefts.

II. And it is hereby enacted, that, whenever any head of district police shall under those provisions report any case whatever to a Magistrate for final orders, such

Head of District Police shall state precisely in his report the description and extent of the punishment which, in his opinion, is proper to be inflicted in that case; and the said Magistrate, if he give orders at variance in any respect with that opinion, shall record his reasons for varying from it.

Act No. XXXV. of 1837.

Passed by the Honorable the President of the Council of India in Council on the 20th November 1837.

I. IT is hereby enacted, that, from the 15th day of December 1837, all provisions of any Regulation of the Madras code, which direct that any translations of decrees passed by the Court of Sudder Adawlut, or by the provincial Courts, or by the Courts of zillah Judges, or by the auxiliary Courts, under the Presidency of Fort St. George, shall be attached or appended to those decrees, or shall be furnished to parties in the suits wherein those decrees are passed, shall be repealed.

II. And it is hereby enacted, that from the said day an abstract of every such decree, containing a succinct statement of the grounds of judgment, shall, on the day of the promulgation of the decree, be entered in the diary of the Court passing the decree; and every party in the suit wherein the decree is passed shall be entitled to be furnished with a copy of that abstract, on application for a copy thereof, or with a translation of that abstract in a current language of the district or country, on application for such a translation.

III. And it is hereby enacted, that from the said day all rules now in force within the Presidency of Fort St. George, for determining from what days the limited periods for appealing from decrees of the Sudder Adawlut, or of the provincial Courts, or of the zillah Judges, or of the zillah Assistant Judges, or of the zillah Registers, shall be computed, shall be repealed; and that such limited periods for appealing from any such decree shall be computed from the day on which the decree is sealed and signed, agreeably to Section XXVII. Regulation III. of 1802 of the Madras code: Provided always, that, if within such limited period as aforesaid, an application be made by a plaintiff or defendant for a copy of the decree, or for a copy or a translation of the abstract mentioned in the clause last preceding, or for both a copy of the decree and a copy or a translation of the abstract; and if the document or documents so applied for be not delivered or tendered on the same day to the party applying, then, for every day of such delay not attributable to that party, a day shall be added to the period allowed for appealing, in as far as the right of that party is concerned.

IV. And it is hereby enacted, that the day on which the time for appealing will expire shall be certified at the end of every document furnished to any party according to the last preceding clause.

V. And it is hereby enacted, that, on the day on which any such decree is sealed and signed, the day on which the original limited period for appealing will expire shall be proclaimed in open court.

ACT No. XXXVII. OF 1837.

Passed by the Honorable the President of the Council of India in Council on the 20th November 1837.

I. IT is hereby enacted, that, from the 1st day of January 1838, so much of Section XXVI. Regulation XIII. 1827 of the Bombay Code, as requires that the Special Courts for the trial of persons charged with offences of a political nature shall forward their proceedings to the Governor in Council, be repealed; and those Courts shall, from the said 1st day of January 1838, forward their proceedings to the Foujdarry Adawlut.

II. And it is hereby enacted, that the Foujdarry Adawlut, on the receipt of any trials referred to them under this Act, shall proceed thereupon according to the rules in force with respect to other trials referred to them; except that they shall in every instance report their sentence, with the whole of the proceedings held upon the case, to the Governor in Council, and shall wait the orders of Government before they direct their sentence to be carried into execution.

ACT No. I. OF 1838.

Passed by the Honorable the President of the Council of India in Council on the 3rd January 1838.

I. IT is hereby enacted, that from the 1st February 1838 all Regulations of the Bombay Code passed before the year 1827, and now in force, with the exception of Sections I., II. and III. Regulation VI. 1799, and of clause 2, Section VII Regulation IX. 1800, and of Sections XIV., XVII., XX., XXI., and XXV. Regulation I. of 1805, and of the whole of Regulations II. 1810, and VI. 1814, shall be repealed.

II. And it is hereby enacted, that Chapters I., II., IV., VI., VIII., and IX. of Regulation XX. 1827, of the said Code, together with the Appendices A. B. C. E. H. I. J. K. of that Regulation, also Regulation II. 1831, Regulation XIII. 1831, Regulation I. 1832, Regulation IV. 1833, and Regulation IV. 1834, of the said Code, and all such parts of any Regulations of the said Code as prescribe the levy of transit or inland Customs Duties, or as require the payment of any fee whatever on account of any vessel which may enter any port in the territories subject to the Bombay Presidency, and likewise the provisions of any kind contained in those or in any

other Regulations for fixing the amount of duty to be levied on goods imported or exported by sea at any place within the limits of the Bombay Presidency, or the drawback payable on the same, shall be repealed : and it is further enacted that Act No. II. of 1836 shall likewise be repealed, except in so far as it repeals any Regulation of the Bombay Code.

III. Provided always, that nothing contained in the two preceding sections of this Act shall be construed to prevent the levy of any town duty, or of any municipal tax, or of any toll on any bridge, road, canal, or causeway, for repair and maintenance of the same, or of any fee for the erection and maintenance of light houses.

IV. And it is hereby enacted, that Duties of Customs shall be levied, on goods imported by sea into any place in the territories subordinate to the Government of the Presidency of Bombay, after the said 1st February next, according to the rates specified in Schedule (A.) annexed to this Act and with the exceptions specified therein, and the said Schedule with the notes attached thereto shall be taken to be a part of this Act.

V. And it is hereby further enacted, that Duties of Customs shall be levied, upon country goods exported by sea from any ports of the Bombay Presidency after the said 1st February next, according to the rates specified in Schedule (B.) annexed to this Act, with the exceptions therein specified, and the said Schedule with the notes attached thereto shall also be taken to be a part of this Act.

VI. Provided, however, that the ships of any European nation having firman privileges in the port of Surat shall not be subject to further Duties of import or export than may be prescribed by their firmans respectively, anything in the Schedules or in this Act notwithstanding.

VII. And it is hereby enacted, that Duties of Customs shall be levied, on goods passing by land into or out of foreign European settlements situated on the line of coast within the limits of the Presidency of Bombay, at the rates prescribed in the Schedules of this Act for goods imported or exported on foreign bottoms at any British port in that Presidency.

VIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay to declare by the notice to be published in the Gazette of that Presidency, that the territory of any native chief, not subject to the jurisdiction of the courts and civil authorities of that Presidency, shall be deemed to be Foreign territory, and to declare goods passing into or out of such territory liable either to the duty fixed for British or for Foreign bottoms, as the said Governor in Council may think fit.

IX. And it is hereby enacted, that, for the levy of Duties of Customs as above provided on goods exported by land to, or imported by land from such Foreign territories, Customs' Chokees may be established at such places as may be determined by the said Governor in Council, and every officer at every such Chokee shall have power to detain goods passing into or out of any such Foreign territory, and to examine and ascertain the quantities and kinds thereof; and such goods shall not be allowed to pass across the frontier line out of or into the territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certificate showing that the Customs Duty leviable thereupon has been paid in full.

X. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such officers as he may think fit to receive money on account of Customs Duties, and grant certificates of the payment thereof, and that such a certificate, being delivered to any Chokee Officer, shall entitle goods to cross the frontier into or out of the East India Company's territories, provided that the goods correspond in description with the specification thereof contained in such certificate, and that the certificate show the entire amount of Duty leviable on those goods to have been duly paid; and if upon examination the goods brought to any Chokee be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate, and if the payment of Duty certified therein shall not cover the entire amount of Duty leviable on the goods as ascertained at such examination, the goods shall be detained until a further certificate for the difference shall be produced.

XI. And it is hereby enacted, that the said Governor in Council shall give public notice, in the official Gazette of the Presidency of Bombay, of the appointment of every officer appointed to receive Customs Duties on goods crossing the land frontier of the said Foreign territories, and the officers so appointed shall, on receipt of money tendered as Customs Duty, be bound to give to any merchant or other person applying for the same a certificate of payment, and to enter therein the specification of goods, with the values and description thereof, according to the statement furnished by the person so applying, provided only that the proper duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

XII. And it is hereby enacted, that no certificate shall be received at any Chokee that shall bear date more than 30 days before the date when the goods arrive at the Chokee: Provided, however, that any person who has taken out a certificate from any autho ized receiver of Customs Duties shall, at any time within the said period of 30 days, on satisfying such receiver that such certificate has not been used, and on delivering up the original, be entitled to receive a renewed certificate, with a fresh date, without further payment of duty.

XIII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe, by public notice in the official Gazette of the Presidency of Bombay, by what routes goods shall be allowed to pass into or out of any such Foreign territory as is described in Sections VII. and VIII. of this Act, and after such notice shall be given, goods which may be brought to any Chokee established on other routes or passes than those so prescribed, shall, if provided with a certificate, be sent back, and, if not provided with a certificate, shall be detained, and shall be liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector that his carrying them by that route was from ignorance or accident.

XIV. And it is hereby enacted, that goods which may be passed, or which an attempt may be made to pass across any frontier guarded by Chokees between sunset and sunrise, or in a clandestine manner, shall be seized and confiscated.

XV. And it is hereby enacted, that any Chokee Officer who shall permit goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit goods to pass by any prohibited route, shall be liable, on conviction before the Collector of Customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding 500 Rupees, commutable, if not paid, to imprisonment for a further period of six months.

XVI. And it is hereby enacted, that, if any Chokee Officer shall needlessly and vexatiously injure goods under the pretence of examination, or in the course of his examination, or shall wrongfully detain goods for which there shall be produced a sufficient certificate, such officer shall, on conviction before the Collector of Customs or before any Magistrate or Joint Magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding 500 Rupees, commutable, if not paid, to imprisonment for a further period of six months.

XVII. And it is hereby enacted, that all goods imported by sea into any port of the Presidency of Bombay, from any Foreign European settlement in India, or from any native state, the inland trade of which has been declared by the Governor in Council of the Presidency of Bombay, under Section VIII. of this Regulation, to be subject to the duties levied on Foreign bottoms, shall be liable to the same duties as are imposed by Schedule (A.) on imports on Foreign bottoms.

XVIII. And it is hereby enacted, that no goods whatsoever, entered in either of the Schedules of this Act as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor in Council of the Presidency of Bombay; Provided always, that it shall and may be lawful for the Collector of Customs, or other officer in charge of a custom-house, to pass free of duty any baggage in actual use at his discretion; and if any person

shall apply to have goods passed as such baggage, the Collector, acting under the orders of the Government, shall determine whether they be baggage in actual use, or goods subject to duty under the provisions of this Act.

XIX. Provided always, that, when goods are imported at any port of the Bombay Presidency from any other port in that Presidency, under certificate that the export duty specified in Schedule (B.) has been duly paid thereon, or that there has been a re-export, and that the import duty specified in Schedule (A.) has been duly paid, the said goods shall be admitted to free entry.

XX. Provided also, that, when Duties of Customs shall have been paid on any goods at any port in any part of the territories of the East India Company not subject to the Presidency of Bombay, and when such goods shall subsequently be imported at any port of the Presidency of Bombay, credit shall be given at such last-mentioned port for the sum that may be proved by the production of due certificates to have been so paid.

XXI. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay, from time to time, by notice in the official Gazzette of that Presidency, to fix a value for any article or number of articles liable to *ad valorem* Duty, and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles, for the purpose of levying Duty on the same.

XXII. And it is hereby enacted, that when goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the Schedules annexed to this Act, are brought to any custom-house in the Presidency of Bombay, for the purpose of being passed for importation or exportation, the Duty leviable on such goods shall be levied *ad valorem*, that is to say, according to the market value of such goods at the place and time of importation or exportation, as the case may be.

XXIII. And it is hereby enacted, that the market value for assessment of duties on *ad valorem* goods shall be declared by the owner, consignee or exporter, or by the agent or factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the goods through the Custom-house; and the value so declared shall include the packages or materials in which the goods are contained, and the application shall truly set forth the name of the ship in which the goods have been imported or are to be exported, the name of the master of the said ship, the colors under which the said ship sails, the number, description, marks, and contents of the packages, and the country in which the goods were produced.

XXIV. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the officer of Customs appointed to appraise goods

at the Custom-house, and if it shall appear to him that the same is correct, he shall countersign it as admitted; but if any part or the whole of the goods shall seem to him to be undervalued in such declaration, he shall report the same to the Collector of Customs, who shall have power to take the goods or any part thereof as purchased for the Government at the price so declared; and whenever the Collector of Customs shall so take goods for the Government, payment thereof shall be made to the consignee or importer, if the goods be imported goods, within 15 days from the date of the declaration, the amount of import Duty leviable thereon being first deducted, and if the goods be intended for exportation, the entire value as declared shall be paid without deduction on account of Customs Duty.

XXV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay to declare, by public notice in the Official *Gazette* of that Presidency, what places within the same shall be ports for the landing and shipment of merchandise, and any goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

XXVI. And it is hereby enacted, that, when any vessel shall arrive in any port of the Presidency of Bombay, the Master shall deliver a true Manifest of the cargo on board, made out according to the form annexed to this Act and marked (C.), to the first person duly empowered to receive such Manifest that may come on board, and if no such person shall have come on board before the anchor of the said vessel is dropped, then the Manifest shall be forwarded to land on board of the first boat that leaves the vessel after dropping anchor, and if the port be up a river or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an Order published in the Official Gazette of the Presidency, to fix a place in any such river or port beyond which place it shall not be lawful for any inward bound vessel, except such country craft as are described in Sections LI. and LII. of this Act, to pass until the Master shall have forwarded in such manner as may be ordered by the said Governor in Council, such a Manifest as is required by this Act.

XXVII. And it is hereby enacted, that if the Manifest so delivered by the Master shall not contain a full and true specification of all the goods imported in the vessel, the said Master shall be liable to a fine of 1,000 Rupees, and any goods or packages that may be found on board in excess of the Manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized by any Customs Officer and confiscated, or to be charged with such increased Duties as may be determined by the Collector of Customs under the orders of Government.

XXVIII. And it is hereby enacted, that, if any inward bound vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of Manifests, the Master shall deliver a Manifest as hereinbefore prescribed, to the first person duly empowered to receive such Manifest that may come on board; and if any vessel, entering a port for which there is a Custom-house established, shall lie at anchor therein for the space of 24 hours, the Master whereof shall refuse to deliver the said Manifest in the manner above prescribed, he shall for such refusal be liable to fine not exceeding 1,000 Rupees, and no entry or port clearance shall be given for such vessel until the fine is paid.

XXIX. And it is hereby enacted, that no vessel shall be allowed to break bulk until a Manifest as required by this Act, and another copy thereof, to be presented at the time of applying for entry inwards if so required by the Collector of Customs, shall have been received by the said Collector, nor until order shall have been given by the said Collector for the discharge of the cargo; and that the said Collector may further refuse to give such order, if he shall see fit, until any port clearances, cocketts, or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

XXX. And it is hereby enacted, that no goods shall be allowed to leave any vessel or to be put on board thereof, until entry of the vessel shall have been duly made in the Custom-house of the port, and until order shall have been given for discharge of the cargo thereof as above provided, and it shall be the duty of every Customs Officer to seize as contraband any goods which have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of, any vessel in contravention of the above provision. And after entry of the vessel at the Custom-house in due form, such part of the cargo as may not be declared for re-exportation in the same vessel shall be sent to land, and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by Order of the Governor in Council of the Presidency of Bombay, and, if an attempt be made to land or put on board goods or merchandize in contravention of the forms and rules so prescribed, the goods shall be liable to seizure and confiscation.

XXXI. And it is hereby enacted, that if goods entered in the Manifest of a vessel shall not be found on board that vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the Custom-house, or at such other place as the Collector of Customs shall have prescribed, the Master shall be liable to a penalty not exceeding 500 Rupees for every missing or deficient package of unknown value, and for twice the amount of Duty chargeable on the goods deficient and unaccounted for, if the duty can be

ascertained. Provided, however, that nothing herein contained shall be construed to prevent the Collector of Customs from permitting at his discretion the Master of any vessel to amend obvious errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental manifest.

XXXII. And it is hereby enacted, that there shall in every port of the Bombay Presidency be one or more places appointed for the landing and shipment of goods, and goods shall not be landed at any other place without the special order in writing of the Collector of Customs for the port; and if any goods be landed, or an attempt be made to land any goods at any other than the said authorized places, without such order, they shall be seized and confiscated.

XXXIII. And it is hereby enacted, that, if the Governor in Council shall see fit, for the security of Customs at any port, to maintain special establishments of boats for the landing and shipping of merchandize, or to license and register the cargo boats plying in any ports, then, after due notification thereof, it shall not be lawful for any person to convey goods to or from any vessel in such port, otherwise than in the boats so authorized and prescribed, except under special permit from the Collector of Customs at the port; and any goods that may be found on board of other boats than those so authorized for the port shall be liable to be seized by any Officer of Customs, and shall be liable to confiscation.

XXXIV. And it is hereby enacted, that when the Governor in Council of the Presidency of Bombay shall see fit to maintain at any port an establishment of officers to be sent on board of vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the Collector of Customs at that port shall have power at his discretion to send one or more officers of such establishment to remain on board of any vessel in such port by night and by day, until the vessel shall leave the port, or it shall be otherwise ordered by the Collector.

XXXV. And it is hereby enacted, that any master of such vessel at such port, who shall refuse to receive such officer with one servant on board, when such officer shall be so deputed as above provided, or shall not afford such officer and such servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water, if necessary, and with the means of cooking on board, shall be liable to a fine, not exceeding the sum of 100 Rupees for each day during which such officer and servant shall not be received and provided with suitable shelter and accommodation.

XXXVI. And it is hereby enacted, that whenever a Collector of Customs shall see cause to direct that any vessel shall be searched, he shall issue his Warrant or written order for such search addressed to any officer under his authority, and, upon production of such order, the officer bearing it shall be competent to require any cabins, lockers, or bulk-heads to be opened in his presence, and if they be not opened

upon his requisition, to break the same open, and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs, shall be liable to confiscation, and any Master or person in charge of a vessel, who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the Collector of Customs, shall be liable upon conviction for every such offence to a fine of 1,000 Rupees.

XXXVII. And it is hereby enacted, that every Master of a vessel who shall remove from such vessel, or put on board thereof any goods, or cause or suffer any goods to be removed from thence or put on board thereof, between sunset and sunrise, or on any day when the Custom-house is closed for business, without leave in writing obtained from the Collector of Customs, shall be punished with a fine not exceeding 500 Rupees.

XXXVIII. And it is hereby enacted, that no cargo-boat laden with goods intended for exportation by sea shall make fast to, or lie alongside of, any vessel on board of which there shall be a Customs Officer stationed, unless there shall be on board the boat, or have been received by the said Customs Officer, a Custom-house permit or order for the shipment of the goods, and the goods on board of any boat that may so be alongside, or be made fast to a vessel, if such goods be not covered by a Custom-house pass accompanying them, or previously received by the Customs Officer on board the said vessel, shall be liable to confiscation.

XXXIX. And it is hereby enacted, that, when goods shall be sent from on board of any vessel having a Customs Officer on board, for the purpose of being landed and passed for importation, there shall be sent with each boat load or other separate despatch, a boat note specifying the number of packages, and the marks and numbers or other description thereof, and such boat note shall be signed by an officer of the vessel, and likewise by the Customs Officer on board, and if any imported goods be found in a boat proceeding to land from such a vessel without a boat note, or if, being accompanied by a boat note, they be found out of the proper track between the ship and the proper place of landing, the boat containing such goods may be detained by any Officer of Customs duly authorized by the Collector, and unless the cause of deviation be explained to the satisfaction of the Collector of Customs, the goods shall be liable to confiscation.

XL. And it is hereby enacted, that, when goods shall be brought to be passed through the Custom-house, either for importation or exportation by sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom-house, or if the contents thereof be found not to have been correctly described in regard to sort, quality or quantity, or if any goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages, with the whole of the goods contained therein, shall be liable to confiscation.

XLI. And it is hereby enacted, that if any person after goods have been landed, and before they have been passed through the Custom-house, removes or attempts to remove them, with the intention of defrauding the revenue, the goods shall be liable to confiscation, unless it shall be proved to the satisfaction of the Collector of Customs that the removal was not sanctioned by the owner, or by any person having an interest in or power over the goods.

XLII. And it is hereby enacted, that it shall be lawful for the Collector of Customs, whenever he shall see fit, to require that goods brought by sea and stowed in bulk shall be weighed or measured on board ship before being sent to land, and to levy Duty according to the result of such weighing or measurement.

XLIII. And it is hereby enacted, that on application by the exporter of any salt that has paid the excise duty fixed by Act No. XXVII of 1837, a certificate shall be granted by the Collector of Customs at the place of export, under authority of which certificate, the quantity of salt specified therein shall be landed at any other port of the said Presidency of Bombay, and shall be passed from such port into the interior without the levy of any further duty, either of excise or of customs.

XLIV. And it is hereby enacted, that, when a Customs Officer shall be sent on board of any vessel to superintend the delivery of cargo, 20 days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding 600 tons burthen; and 30 days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day when the Customs Officer first went on board: and if the whole cargo be not discharged by the expiration of the abovementioned periods, the master shall be charged with the wages of such officer, and other expenses, for any further period that such officer may be detained on board; and if the owners, importers, or consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the Master so to do.

XLV. And it is hereby enacted, that, when there shall be no Customs Officer sent aboard vessels discharging cargo, it shall be lawful for the Collector of Customs to fix a period, not being less than 20 days, for the discharge thereof, and clearance of the vessel inwards; and if any goods remain on board after the time so fixed, or after the time allowed in the last preceding Section of this Act, the Collector may order the same to be landed and warehoused, for the security of the duties chargeable thereon, and of any freight and primage, and other demands, that may be due thereon, giving his receipt to the Master for the same: Provided always, that in all cases it shall be lawful for the Collector or other officer in charge of the Custom-house, with the consent of the Master of the vessel, to cause any packages to be brought on shore, and to be deposited in the government warehouses for the security of the duties and charges thereon, although 20 days may not have expired from the entry of such

vessel; and in case any goods brought to land from any vessel be not claimed, and cleared from the Custom-house within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the Collector to sell the same, on account of the duties and other charges due thereon, and the balance remaining, after deducting the said duties and charges, shall be held in deposit, and paid to the owner on application.

XLVI. And it is hereby enacted, that when a Customs Officer shall be sent on board of any vessel discharging cargo, a further period of 15 days, Sundays and holidays excluded, beyond the 20 days above specified, shall be allowed for putting on board export cargo, if the vessel shall not exceed 600 tons burthen, and 20 days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the Master or commander shall, in such case, not be charged with the wages and expenses of the Customs Officer on board until after the expiration of such additional period; and if a vessel having discharged its import cargo shall be laid up, the Customs Officer on board shall certify that no goods remain on board, except necessary stores and articles for use, and when a vessel so laid up shall be entered at the Custom-house for receipt of export cargo, a Customs Officer shall be sent on board, and if the said last-mentioned officer shall certify that no goods are on board, except as above excepted, 20 days, exclusive of Sundays and holidays, as above, shall be allowed from the date of such certificate, for the lading outwards of a vessel not exceeding 600 tons, and 30 days for vessels exceeding that burthen; after which periods respectively, the Master shall be charged with the wages and expenses of the Customs Officer on board, to the date of the vessel's sailing from the port.

XLVII. And it is hereby enacted, that when, upon application from the Master of any vessel, the Customs Officer shall be removed from on board thereof, under the provisions to that effect contained in the last preceding Section of this Act, if the Master of such vessel shall, before a Customs Officer have again been placed in such vessel, put on board of such vessel, or cause, or suffer to be put on board of such vessel, any goods whatever, such Master shall be punished with a fine not exceeding 1,000 Rupees, and the goods shall be liable to be re-landed for examination at the expense of the shippers, upon requisition to that effect from the Collector of Customs.

XLVIII. And it is hereby enacted, that upon any goods liable to duty that may be passed through the Custom-house for shipment, the application for which shall be presented after port clearance shall have been taken out, double of the prescribed duty shall in all cases be levied; and if the goods be free, or have already paid import duty, or have been imported free under certificate, five per cent. upon the market value shall be levied thereon; or if the same be imported goods entitled to drawback, the drawback shall be forfeited, but no separate duty shall be levied on drawback goods.

XLIX. And it is hereby enacted, that, when a vessel having cleared out from any port shall put back from stress of weather, or it shall for any damage, or from other cause, be necessary that the cargo of a vessel that has cleared out shall be unshipped or relanded, a Customs Officer shall be sent to watch the vessel, and take charge of the cargo during such relanding or removal from on board, and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land, or while on board of any other vessel, under special charge of the officers of the customs until the time of re-export, and all charges attending such custody shall be borne by the exporter; Provided, however, that in all cases of return to port after port-clearance, on account of damage, or for stress of weather, it shall be lawful for the owner, or for the Master, to enter the vessel and land the cargo, under the rules for the importation of goods, and the export duty shall in that case be refunded, and the amount paid in drawback be reclaimed; and if goods, on account of which drawback has been paid, be not found on board the vessel, the master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the Collector of Customs.

L. And it is hereby enacted, that, when goods shall be relanded before the lading of any vessel is complete and before port clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port clearance shall have been granted for the vessel on which the goods were exported, unless the vessel shall have put back for stress of weather, or for damage, and the goods shall have been relanded under the rule contained in the last preceding Section of this Act.

LI. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the coasting and country craft of the British territories, for the delivery of manifests of the cargo of such vessels, and for the landing of goods therefrom, and shipping of goods therein, and that whoever, being in charge of any such craft, shall knowingly contravene any such rule, shall be liable to a fine not exceeding 100 Rupees for each offence.

LII. And it is hereby enacted, that pattamars, dhonies, botellos, and other small craft from the Maldive or Laccadive Islands, or from the native ports of Kattywar, Cutch, and Scinde, shall be treated in the ports of the Bombay Presidency like the coasting craft of the British territory, provided that they conform to such special regulations as to the place of anchoring, and mode of landing and shipping goods, as may be made by the Governor in Council of Bombay for such vessels in the several ports of the Bombay Presidency.

LIII. And it is hereby enacted, that no drawback shall be allowed on goods shipped on such native craft as are described in the last preceding Section of this Act.

LIV. And it is hereby enacted, that goods exported in the same vessels, if manifested for re-export, shall not be subject to import or export duty; and if any goods brought to any port in any vessel, be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed through the Custom-house for re-exportation in the vessel into which they may be transhipped.

LV. And it is hereby enacted, that no transhipment shall be made of any goods except under special order in writing from the Collector of Customs of the port, and an officer of customs shall in all cases be deputed to superintend the removal of the goods from vessel to vessel.

LVI. And it is hereby enacted, that at every port subordinate to the Bombay Presidency, the port of Bombay excepted, an anchorage fee shall be levied once at each port, according to the burthen, on all country craft above the burthen of (100) one hundred maunds, at the rates herein-under specified:—

											Fee. Rupees.	
Above		10 candies (equal to 100 maunds)				not exceeding		20 candies (200 Indian maunds)			1	0
...	...	20	...	...	...	...	40	...	...		1	8
...	...	40	...	...	...	...	60	...	...		2	0
...	...	60	...	...	...	...	80	...	...		2	8
...	...	80	...	...	...	...	100	...	...		3	0
...	...	100	...	..	...	...	150	...	...		3	8
...	...	150	...	...	...	...	200	...	...		4	0
...	...	200	...	...	...	...	250	...	...		4	8
...	...	250	...	...	...	...	300	...	...		5	0
...	...	300	...	...	...	...	350	...	...		5	8
...	...	350	...	...	...	...	400 and upwards				6	0

LVII. And it is hereby enacted, that in all cases in which, under this Act, goods are liable to confiscation, the Collector of Customs of the place where those goods may be, shall be competent to adjudge such confiscation.

LVIII. And it is hereby enacted, that, if any person in charge of a vessel shall have become liable to any fine on account of any act or omission relating to Customs, the Collector of Customs shall be competent, subject to the orders of the Governor in Council of the Presidency of Bombay, to refuse port clearance to such vessel until the fine shall be discharged.

LIX. And it is hereby enacted, that it shall be lawful for any Collector of Customs, or other officer who may be authorized to adjudicate customs cases, if he shall decide that a seizure of goods made under the authority of this Act was

vexatious and unnecessary, to adjudge damages to be paid to the proprietor by the Customs Officer who made such vexatious seizure, besides ordering the immediate release of the goods; and if the proprietor accept such damages, no action shall thereafter lie against the Officer of Customs in any court of justice on account of such seizure: and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double duty; and if the said officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the goods, a proportion, not exceeding one-half, shall be distributed in rewards amongst such officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

LX. And it is hereby enacted, that all officers of Customs shall, as heretofore, be amenable to the civil Courts of the Presidency or island of Bombay by action for damages on account of any executive acts done in their official capacity, at the suit of the parties injured by such acts: Provided, however, that no suit shall lie against a Collector of Customs or other officer for any judicial award in a matter of Customs passed under the preceding Section of this Act.

LXI. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding 1,000 Rupees, or both.

LXII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, shall accept, or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official Act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the Customs revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an Order in Council, to transfer any of the powers given to a Collector of Customs by this Act to any other functionary, and to make any rules consistent with law for the carrying of this Act into effect, and to establish such bunders and appoint such officers as he shall think fit, and to fix rates of wharfage and of rent to be paid for goods deposited or suffered to lie in the godowns of the Custom-house.

SCHEDULE (A.)

RATES of DUTY to be Charged on GOODS IMPORTED by Sea into any Port of the Presidency of *Bombay*.

No.	ENUMERATION OF GOODS.	WHEN IMPORTED ON BRITISH BOTTOMS.	WHEN IMPORTED ON FOREIGN BOTTOMS.
1	Bullion and coin	free	free.
2	Precious stones and pearls	ditto	ditto.
3	Grain and pulse	ditto	ditto.
4	Horses and other living animals	ditto	ditto.
5	Ice	ditto	ditto.
6	Coal, coke, bricks, chalk, stones (marble and wrought stones excepted.)	ditto	ditto.
7	Books printed in the United Kingdom, or in any British possession	ditto	3 per cent.
8	Foreign books	3 per cent. ...	6 per cent.
9	Marine stores, the produce or manufacture of the United Kingdom, or of any British possession	3 per cent. ...	6 per cent.
10	Ditto, ditto, the produce or manufacture of any other place or country	6 per cent. ...	12 per cent.
11	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom, or any British possession	3 per cent. ...	6 per cent.
12	Metals, ditto, ditto, excepting tin, the produce or manufacture of any other place	6 per cent. ...	12 per cent.
13	Tin, the produce of any other place than the United Kingdom, or any British possession	10 per cent ...	20 per cent.
14	Woollens, the produce or manufacture of the United Kingdom, or any British possession	2 per cent. ...	4 per cent.
15	Ditto, the produce of any other place or country	4 per cent. ...	8 per cent.
16	Cotton-wool, not covered by certificate of the payment of export duty at any other port of Bombay	9 as. per md. of 80 tolas to the seer.	1 re. 2 as. per md. of 80 tolas to the seer.
17	Cotton and silk piece goods, cotton twist and yarn, the produce of the United Kingdom, or of any British possession....	3½ per cent. ...	7 per cent.
18	Ditto, the produce of any other place ...	7 per cent. ...	14 per cent.
19	Opium, covered by a pass...	free	free.
20	Ditto, not covered by a pass	24 rs. per seer of 80 tolas	24 rs. per seer of 80 tolas.
21	Salt, not covered by a pass	8 as per. md. of 80 tolas per seer. ...	8 as. per md. of 8 tolas per seer.

No.	Enumeration of Goods.	When imported on British Bottoms.	When imported on Foreign Bottoms.
22	Alum	10 per cent. ...	20 per cent.
23	Camphor	10 per cent. ...	20 per cent.
24	Cassia	10 per cent. ...	20 per cent.
25	Cloves	10 per cent. ...	20 per cent.
26	Coffee	7½ per cent. ...	15 per cent.
27	Coral	10 per cent. ...	20 per cent.
28	Nutmegs and mace	10 per cent. ...	20 per cent.
29	Pepper	10 per cent. ...	20 per cent.
30	Rattans	7½ per cent. ...	15 per cent.
31	Tea	10 per cent. ...	20 per cent.
32	Vermillion	10 per cent. ...	20 per cent.
33	Wines and liqueurs	10 per cent. ...	20 per cent.
34	Spirits, consolidated duty, including any duties levied heretofore through the police	9 as. per imperial gallon. ...	1 re. per imperial gallon.
	And the duty on spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon.		
35	Tobacco	1 re. 8 as. per md of 80 tolas per seer. ...	1 re. 8 as. per md. of 80 tolas per seer.
	Which duty shall be the minimum customs duty levied on raw tobacco, and all preparations thereof, in all the ports of the Bombay presidency; but if at the rate of 5 per cent. on the actual value, a higher duty than 1 rupee 8 annas per maund should be leviable on any preparation of tobacco, the duty shall be levied *ad valorem* at that rate if imported on British bottoms, and at 10 per cent. on foreign bottoms. And the customs duty laid upon tobacco shall be allowed in settling for the special duty levied on the import of this article into the island of Bombay, which special duty shall be levied at the rate of 9 rupees for the Indian maund.		
36	All articles not included in the above enumeration	3½ per cent. ...	7 per cent.

And if the Collector of Customs shall see reason to doubt whether the goods liable to a different rate of duty, according to the place of their production, come from the country from which they are declared to come by the importer, it shall be lawful for the Collector of Customs to call on the importer to furnish evidence as to the place of

manufacture or production ; and if such evidence shall not satisfy the said Collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Governor in Council at Bombay.

And upon the re-export by sea of goods imported, excepting Opium and Salt, and all goods of the growth, production, or manufacture of the continent of India, provided the re-export be made within two years of the date of import, as per Custom-house register, and the goods be identified to the satisfaction of the Collector of Customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback.

But no exporter of imported goods shall be entitled to drawback unless the drawback be claimed at the time of re-export, nor shall any payment be made of drawback unless the amount claimed be demanded within one year from the date of entry of the goods for re-export in the Custom-house registers.

SCHEDULE (B.)

RATES of DUTY to be charged on GOODS EXPORTED by Sea from any Port or Place in the Presidency of *Bombay*.

No.	ENUMERATION OF GOODS.	EXPORTED ON BRITISH BOTTOMS.	EXPORTED ON FOREIGN BOTTOMS.
1	Bullion and coin	free	free.
2	Precious stones and pearls	ditto	ditto.
3	Books, maps, and drawings printed in India	ditto	ditto.
4	Horses and living animals	ditto	ditto.
5	Opium, covered by a pass	ditto	ditto.
6	Ditto, not covered by a pass	prohibited ...	prohibited.
7	Cotton-wool exported to Europe, the United States of America, or any British possession in America	free	9 as. per md. of 80 tolas to the seer.
8	Do. do. exported to places other than above	9 annas per md. of 80 tolas per seer.	1 re. 2 as. per md. of 80 tolas to the seer.
9	Salt, having paid the excise of 8 annas a maund	free	free.
10	Tobacco	1 re. 8 as. per md. of 80 tolas to the seer. ...	1 re. 8 as. per md. of 80 tolas per seer.
11	All country articles not enumerated or named above	3 per cent. ...	6 per cent.

And upon the re-export to Europe, the United States of America, or to any British possession in America, or from any other port of the Bombay Presidency, of Cotton that has been imported under certificate of the payment of the duty

specified in this Schedule, provided that the re-export be made in British bottoms within two years from the date of such certificate, and the amount be claimed within one year from the date of re-export, as per Custom-house registers, the whole amount of export duty levied at the first place of export shall be refunded.

SCHEDULE (C.)

MANIFEST of Goods Imported per Commander, from under Colours; viz.

Marks.	Numbers.	Packages.	Quantity.	Weight.	Gallons.	Yards.	Description of Goods.	Invoice Value.	Tariff Value.		
A.	1 a' 5	5 cases	250 pieces	—	—	3,000	Cambrics. Long-cloths, bleached. Ditto - unbleached. Madapolams, bleached. Ditto - unbleached. Plain muslins.				

N. B.—Articles generally to be specified, excepting such as ironmongery, hard-ware, glass-ware, earthen-ware, cutlery, perfumery, confectionery, stationery, and such like.

All articles from Great Britain to be entered according to the English weight, not native.

From China, in like manner in China weights.

In imports and exports of bullion or coin, to specify the sort of which they consist.

Act No. II. of 1838.

Passed by the Honourable the President of the Council of India in Council on the 5th January 1838.

I. IT is hereby enacted, that from the 1st day of February 1838 Salt shall not be manufactured at any place within the territories subject to the authority of the Lieutenant-Governor of the North-Western Provinces, the districts beyond the right bank of the Jumna river excepted, unless the person conducting the manufacture

shall before preparing works for the production of such Salt, give notice in writing to the Collector of the district in which the place of manufature may be situated, of his intention to manufacture Salt therein.

II. And it is hereby enacted, that, upon receiving such notice as is prescribed in the preceding Section, the Collector of the district shall, by an order under his seal and signature, depute one or more officers, who shall be stationed for such time as the said Collector shall think proper at every such place of manufacture, and shall have power to take account of the Salt manufactured and stored, and to prevent the removal of the salt until the Government Duty thereon shall have been paid.

III. And it is hereby enacted, that every proprietor of Salt works within the North-Western Provinces, at which an officer shall be stationed as above provided, shall pay to the Collector the wages of one officer at the rate of 10 Rupees per mensem for so long as such officer shall be retained for the supervision of the works, and if the Collector shall see fit to employ more then one officer to watch any set of works, or to employ one officer receiving larger allowances than 10 Rupees per month, the wages of such extra officers, or the extra wages of such one officer, shall be defrayed by Government.

IV. And it is hereby enacted, that, if any Salt works be found producing Salt, of which notice has not been given in the manner prescribed by the first Section of this Act, such works shall be destroyed, and any Salt stored thereat shall be seized and confiscated.

V. And it is hereby enacted, that it shall be the duty of every party under direct engagements with Government for land revenue, either as a proprietor or farmer, and of every proprietor of lakhiraj lands, upon whose zemindaree, farm, or lakhiraj estate there shall be any works producing Salt, of which works notice has not been given in the manner prescribed by the first Section of this Act, to give notice of the same in writing to the nearest public officer of police or land revenue within 10 days from the date on which the works were first prepared; and every such proprietor, farmer, or proprietor of lakhiraj estate who shall knowingly omit to give such notice, shall forteit a sum not exceeding 500 rupees for every such Salt work.

VI. And it is hereby enacted, that the Magistrate or Joint Magistrate of any city or district shall be competent to receive and determine all charges on account of things done in contravention of this Act.

VII. And it is hereby enacted, that whoever offers any resistance to any officer appointed under the authority of this Act, in the exercise of the lawful power of such officer, shall be punished in like manner as if the resistance had been offered to the ordinary process of a Collector.

Act No. III. of 1838.

Passed by the Honorable the President of the Council of India in Council on the 5th January 1838.

I. IT is hereby enacted, that Act No. VIII. of 1837 be repealed.

II. And it is hereby enacted, that whenever the Governor in Council of Fort St. George shall appoint a joint criminal judge of Cochin, and shall give to such joint criminal judge jurisdiction over the districts of Anjengo and Changancherry, such joint criminal judge shall exercise, within his jurisdiction, all the powers of Joint Magistrate, as defined in the Madras Regulations.

Act No. V. of 1838.

Passed by the Honorable the President of the Council of India in Council on the 14th March 1838.

XII. And it is thereby enacted, that no person shall be capable of being a Director of the said association, who shall not be a proprietor in his own right of fifteen shares of the capital stock of the said association, which shares shall have been registered in his name not less than three calendar months before his election.

XIV. And it is thereby enacted, that ordinary general meetings of the said proprietors shall be held at least twice in every year; that is to say, on the Monday following the 15th day of May, and on the Monday following the 15th day of November; and that at every such ordinary meeting the Directors of the said association shall present a report in writing of the state of the affairs of the said association, and a balance sheet; and that such general meeting may declare a dividend out of the profits of the said association: Provided always, that no dividend shall be made which shall diminish the capital of the said association.

XXXII. And it is hereby enacted, that it shall be lawful for the said association to make bye-laws for the regulation of its own proceedings, which bye-laws shall be binding only on its own members and officers; Provided, that no such bye-law shall be valid till it shall have been approved of by two extraordinary general meetings of proprietors specially convened for that purpose, of which meetings the second shall be held not less than one calendar month after the first; Provided also, that no such bye-law shall be valid till it shall have been confirmed by the Governor of the Presidency of Fort William in Bengal.

XXXVII. And it is hereby enacted, that at any time after the 14th day of March 1860, it shall be lawful for the Governor-General of India in Council, by an Order in Council, to direct that the said association be dissolved.

ACT No. VI. OF 1838.

Passed by the Honorable the President of the Council of India in Council on the 19th March 1838.

IT is hereby enacted, that whenever the Governor in Council of the Presidency of Bombay shall appoint, or shall have appointed, a commission to inquire into any charge of malversation against any public servant, it shall be lawful for such Governor in Council to authorize such commission to summon witnesses before it, and to administer an oath, or any substitute for an oath, to them, and to examine them in like manner as it is lawful for the Criminal Courts of that Presidency to do; and that any witness shall be guilty of perjury who shall give such evidence before such commission so authorized as if given before a Court of Justice would render such witness guilty of perjury.

ACT No. VII. OF 1838.

Passed by the Honorable the President of the Council of India in Council on the 23rd April 1838.

IT is hereby enacted, that it shall be lawful for a Judge of any zillah or city Court, within the territories subject to the Presidency of Fort William in Bengal, to exercise the powers vested in a single Judge of the Sudder Dewanny Adawlut, by Clause 2, Section II. Regulation IX. of 1831 of the Bengal Code.

ACT No. VIII. OF 1838.

Passed by the Honorable the President of the Council of India in Council on the 23rd April 1838.

I. IT is hereby enacted, that from the 10th day of May 1838, the following rates of toll shall be levied, in the Company's currency, at the toll-gate of the Bhore Ghaut, on palanquins and laden bullocks, both in going and returning:—

On every palanquin	1 rupee.
On every laden bullock	6 pies.

II. And it is hereby enacted, that from the said day all the provisions of Act No. II. of 1837 of the Governor General of India in Council, shall be applicable to palanquins and laden bullocks, and the tolls to be levied thereon, as if they had been inserted among the rates of tolls contained in Section II. of that Act.

Act No. IX. of 1838.

Passed by the Honorable the President of the Council of India in Council on the 30th April 1838.

IT is hereby enacted, that, from the 15th day of May 1838, it shall be competent to the Session Judges within the Presidency of Bombay, in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to Magistrates to award fines under clause 1st, Section XIII. Regulation XII. of 1827 of the Bombay Code.

Act No. XIII. of 1838.

Passed by the Honorable the President of the Council of India in Council on the 21st May 1838.

I. IT is hereby enacted, that it shall be competent to the Governor-General of India in Council, by an Order in Council, to extend any part of the provisions of Regulation XII. of 1833, to the Court of any Principal Sudder Ameen, Sudder Ameen or Moonsiff.

II. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council to delegate the power given to him by Section I. of this Act to the Governor of Bengal, and to the Lieutenant Governor of the North-Western Provinces, or to any functionary exercising the authority of government in the North-Western Provinces.

Act No. XVII. of 1838.

Passed by the Honorable the President of the Council of India in Council on the 13th August 1838.

I. IT is hereby enacted, that from the 1st day of September 1838, it shall be competent to the zillah Judges, the assistant judges of auxiliary courts, and the Principal Sudder Ameens in the territories subject to the Presidency of Fort St. George, to receive a summary appeal from the orders or decrees of the district Moonsiffs stationed within their respective jurisdictions, in cases in which such district Moonsiffs may have refused to admit any suit regularly cognizable by them, or may have dismissed on the ground of delay, informality, or other default, without an investigation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them by superior authority.

II. And it is hereby enacted, that the provisions contained in the fifth and six following clauses of Section 5, Regulation XV. of 1816 of the Madras Code, regarding summary appeals, shall apply to the summary appeals preferred under the authority of this Act.

ACT No. XX. OF 1838.

Passed by the Honorable the President of the Council of India in Council on the 27th August 1838.

I. IT is hereby enacted, that from the 1st day of October next, Section VIII. Act XVII. 1837, be repealed.

II. And it is hereby enacted, that, when there is no banghee post established on any line of road, letters and packets exceeding in weight 12 tolas, and not exceeding 40 tolas, shall be received by postmasters for transmission by the letter post under the rules which follow.

First.—If the letter or packet received for dispatch be of the description specified in heads Nos. 1, 2, and 3 of the Schedule (A.) annexed to Act XVII. of 1837 the postage duty thereon shall be levied by rateable increase, as declared and provided in the said heads of the said Schedule, and the postmasters shall forward every such letter or packet on the same terms, the postage charge being rateably increased, as is provided in the said Act for letters and packets not exceeding 12 tolas in weight.

Second.—If any packets exceeding 12 tolas in weight, and not exceeding 40 tolas, when so brought for dispatch along a road where there is no regular bhangee post established, be certified, by attestation written on the cover not to contain any of the things specified as subject to rateable postage duty under heads Nos. 1, 2, and 3 of the said Schedule; and further, if it be so certified that such packets do not contain any writing in contravention of Sections IX. and X. Act. XVII. of 1837, every such packet shall in like manner be forwarded by the letter post being charged with duty as specified and prescribed in Table 4, Schedule (A.) for bhangee parcels; Provided, however, that it shall be in the power of the postmaster at the place of delivery to proceed for the discovery of any fraud or contravention of the law in respect of all packets so conveyed by the letter post at bhangee postage rates, in the manner prescribed in Section XXX. Act XVII. 1837: Provided also, that government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the postmaster for conveyance by virtue of this Act, and that no person employed by the Government in the post-office department shall be responsible for any such loss or damage, unless such person has caused such loss or damage maliciously or fraudulently.

III. And it is hereby enacted, that, if packets exceeding 40 tolas in weight be brought for dispatch by the letter post at bhangee rates, the same may be forwarded under the rules and restrictions prescribed in the preceding Section of this Act: Provided, however, that the transmission of such over-weight packets shall always be discretional with the postmaster, to whom they may be brought for dispatch, to forward them at such times and in such manner as may be convenient.

IV. And it is hereby enacted, that no packet brought for dispatch by bhangee post shall be returned from any post-office on the ground that the bhangee post has not been laid for the whole distance to the place of delivery.

V. And it is hereby enacted, that, except as hereinafter is mentioned, if any person wilfully certify or cause to be certified by writing on any letter, cover, or packet delivered at any post-office for conveyance by post, what is not true in respect of such letter or packet, or in respect of its contents, for the purpose of defrauding the post-office revenue, every such person shall, on conviction, be subject to a fine of 50 Rupees for every such offence.

VI. And it is hereby enacted, that whoever shall send, or cause to be sent, by the government post any packet, under the provisions of this Act, of the description mentioned in Table 2 of Schedule (A.) Act No. XVII. A. D. 1837, which shall contain any writing whatever other than writing which is necessarily part of the documents which such packet is stated to contain by attestation on the cover of such packet, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of 50 Rupees.

VII. And it is hereby enacted, that whoever shall send, or cause to be sent by the government post, under the provisions of this Act, any packet of the description mentioned in Table 3 of Schedule (A.) Act No. XVII. A. D. 1837, which shall contain any writing whatsoever, except the direction on the cover, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of 50 Rupees.

VIII. And it is hereby enacted, that all fines incurred on account of letters or packets sent by the letter post, or by the bhangee post in contravention of the provisions of Sections IX. and X of Act XVII. of 1837, as well as all fines by this Act authorized to be imposed, shall be demanded from the parties liable thereto by notice in writing from the postmaster general, or from any postmaster; and if not paid upon such demand, the same shall, upon conviction of the offender before any Magistrate for the place where the party charged may be residing, be levied, together with the costs attending the information and conviction, by distress and sale of the goods and chattels of the party or parties offending, by warrant under the hand of such Magistrate;

and if upon the return of such warrant it shall appear that no sufficient distress can be had thereon, then it shall be lawful for any such Magistrate, by warrant under his hand and seal, to cause such offender or offenders to be committed to prison, there to remain for the space of two calendar months, unless such fines and all reasonable charges attending the same shall be sooner paid and satisfied.

IX. And it is hereby enacted, that it shall be lawful for the postmaster to detain any letter or packet in respect of which any party shall become liable to fine for a contravention of Sections IX. and X. of Act XVII. 1837, or of any of the provisions of this Act, until the fine and all reasonable charges attending the same shall have been duly paid.

Act No. XXI. of 1838.

Passed by the Honorable the President of the Council of India in Council on the 27th August 1833.

I. IT is hereby enacted, that it shall be lawful for the Governor-General of India in Council, in his executive capacity, to direct the coinage, and issuing of any silver coins, of a value represented in even annas or sixteenths of the Company's Rupee, provided they be of the same standard as that prescribed for such Rupee by the Act No. XVII of 1835, and of proportionate weight.

II. And it is hereby enacted, that the provisions of Act No. XVII. of 1835 and of Act No. XXXI. of 1837, applicable to the devices, inscriptions, and embellishments of the coins coined and issued by virtue of the Act No. XVII. of 1835, shall be applicable to the coins which may be coined and issued by virtue of this Act.

ACT No. XXII. of 1838.

Passed by the Honorable the President of the Council of India in Council on the 10th September 1838.

I. IT is hereby enacted, that from the 1st day of October 1838, it shall be competent to the zillah and city Judges, in the territories subject to the Presidency of Fort William in Bengal, to receive a summary appeal from the orders or decrees of the Moonsiffs subordinate to them, in cases in which such Moonsiffs may have refused to admit any suit regularly cognizable by them, or may have dismissed, on the ground of delay, informality, or other default, without an investigation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them.

II. And it is hereby enacted, that the provisions contained in the 5th and 6th following clauses of Section III. Regulation XXVI. of 1814, and Section II. Regulation XII. of 1833, and Section VII. Regulation IX. of 1831 of the Bengal Code, shall apply to the summary appeals preferred under the authority of this Act.

Act No. XXIV of 1838.

Passed by the Honorable the President of the Council of India in Council on the 24th September 1838.

I. IT is hereby enacted, that Section III. of Act XIX. of 1836, together with any other provisions of that Act which prescribe or imply that the capital stock of the Bank of Bengal shall not exceed 75 lakhs of Rupees, shall from this day be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council, whenever he shall see fit, from time to time, by an order to be notified in the Calcutta Gazette, to authorize the capital stock of the said bank to be increased, and to make such order and direction for the opening of subscriptions towards such increase of capital as to him may seem fit, giving due notice to the proprietors of the said bank for the time being, and allowing to them a period of not less than 18 months to fill up such subscription.

III. And it is hereby enacted, that, whenever such increase of capital stock of the Bank of Bengal shall be ordered by the Governor-General of India in Council, the proprietors entitled to share therein shall not be debarred of the right to subscribe for the new stock, in the proportion of the shares they may be legally holding by reason of any limit to the quantity of stock which a single proprietor may hold that may be imposed by the provisions of the charter of the bank, or by any clause or provision contained in Act No. XIX of 1836.

IV. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council, when he shall direct an increase to be made of the capital stock of the Bank of Bengal, to prescribe that the subscriptions shall be made upon each share respectively, in any given proportion to the amount of stock represented by such share, and after subscription made at any time within the period of notice prescribed in Section II. of this Act, to permit the amount subscribed on account of any share or shares to be paid up and annexed to the capital stock of the Bank in such manner and at such dates as may be deemed most convenient and proper, and likewise to prescribe that the amount of new capital that may not be subscribed for by proprietors within the period of 18 months so specified, shall be sold by auction by an officer of the bank, for the benefit of the said bank, on some early date after the close of such period, and that the proceeds of such sale shall

be at the disposal of the proprietors of the bank by resolution duly passed at their general meetings, any thing in the existing charter of the said bank regarding the method of taking the subscriptions of new capital to the contrary notwithstanding.

V. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council, at the time of ordering any increase of the capital stock of the Bank of Bengal, to reserve the portion of such increase that may belong to Government by reason of its share of the capital of the said bank, and to fix any date within the period of 18 months above specified, as that before which it shall be finally declared whether the Government will take the share of new stock to which it is so entitled, or will refuse the same; and in case of refusal by Government to take its share of new stock, such stock shall not be sold on account of the proprietors at large, as above provided for stock not subscribed for by other proprietors, but the amount to which the Government may be so entitled shall not be raised, and if the Government shall determine to subscribe for the share of new capital to which it is entitled, it shall be lawful for the Governor-General of India in Council either to retain the same or to order the sale of such new stock or any portion thereof on account of Government, in such manner and at such times as to him may seem fit.

ACT No. XXVI. OF 1838.

Passed by the Honorable the President of the Council of India in Council on the 8th October 1838.

I. IT is hereby enacted, that it shall henceforth be lawful for the Governor in Council of the presidency of Fort St. George to direct that all or any persons committed by the Principal Sudder Ameen of Sursee for trial before the Court of Circuit for the western division of the territories subject to that Presidency, shall be tried at the sessions of gaol delivery to be held at Honore.

II. And it is hereby enacted, that it shall henceforth be lawful for the Governor in Council of the Presidency of Fort St. George, to direct that all or any persons committed by any Principal Sudder Ameen for trial before the Court of Circuit shall be tried at any sessions of gaol delivery to be held at any station within the zillah to which the Court of such Principal Sudder Ameen may be attached.

ACT No. XXVII. OF 1838.

Passed by the Honorable the President of the Council of India in Council on the 22nd October 1838.

I. IT is hereby enacted, that so much of Clause 1, Section XVIII. Regulation V. of 1831 of the Bengal Code, as provides that no suit be referred to a Principal

Sudder Ameen, in which the vakeels or officers of his court shall be a party, is hereby repealed.

II. And it is hereby enacted, that in cases where, by reason of the above clause, a suit cannot be referred to a Sudder Ameen, because he himself or his relatives or dependents are a party to the suit, and where the zillah and city Judges cannot refer such suit to be tried by any other competent authority, it shall be lawful for each of the Courts of Sudder Dewanny Adawlut within the territories subject to the Presidency of Fort William in Bengal to direct, by an order authenticated by the official signature of their Register, that the cognizance of such suit shall be transferred to any other zillah or city court subordinate to the same Court of Sudder Dewanny Adawlut; and the Judge of such other zillah or city Court may thereupon refer such suit in the same manner as if the same had been originally instituted in the Court of such other zillah or city.

Act No. XXXI. of 1838.

Passed by the Honorable the President of the Council of India in Council on the 3rd December 1838.

VIII. And it is hereby enacted, that, on the trial of any person for any of the offences hereinbefore mentioned, or for any felony whatever, where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony, and to find a verdict of guilty of assault against the person indicated, if the evidence shall warrant such finding; and when such verdict shall be found, the Court shall have power to imprison the person so found guilty of an assault, for any term not exceeding four years.

Act No. I of 1839.

Passed by the Honorable the President of the Council of India in Council, on the 4th February 1839.

I. IT is hereby enacted, that, from the 1st day of May next ensuing after the passing of this Act, all Regulations and parts of Regulations of the Bengal Code which give to any persons or class of persons authority, by virtue of any office held by them, to sell property distrained for the recovery of arrears of rent, shall, so far as they give such authority, be repealed.

II. And it is hereby enacted, that from the date aforesaid it shall be lawful for the Collector or officer duly exercising the powers of a Collector in each district subject to the Presidency of Fort William in Bengal, to appoint, by a sunnud under

his signature and seal, in the terms of the Schedule appended to this Act, and conformably to such instructions as he may receive in that behalf, any person or persons to exercise the function of selling property distrained for the recovery of arrears of rent in each pergunnah or subdivision of his district; and to authorise such persons to remunerate themselves by deducting a per-centage, not in any case exceeding 10 per centum on the amount of the proceeds of the sale.

III. And it is hereby enacted, that all Regulations and parts of Regulations of the Bengal Code which give powers to, or prescribe rules for the guidance of persons appointed to conduct the sale of property distrained for the recovery of arrears of rent, or which assign any penalty or other punishment for misfeasance in the discharge of such duty, shall be applicable to all parties appointed for the sale of such property under this Act.

SCHEDULE.

I, *A. B.*, Collector of Zillah (or exercising the powers of a Collector), in virtue of the powers vested in me by Act No. I. of 1839, appoint you *C. D.*, Commissioner for the sale of property distrained for the recovery of arrears of rent, in the manner prescribed by the Regulations of Government. You are to reside at E., in pergunnah F., and are to exercise the authority vested in you by these Regulations, or by any others which may be hereafter transmitted to you for your guidance, in strict conformity thereto; and are to keep a regular and complete record of your proceedings, to be produced when called for by me, or by the courts of justice. You are hereby authorized to remunerate yourself for your trouble by deducting and appropriating——per centum on the amount of the proceeds of sale.

ACT No. II. OF 1839.

Passed by the Honorable the President of the Council of India in Council on the 4th February 1839.

I. IT is hereby enacted, that in all cases of fines by which offenders are or may be punishable by any Magistrate, according to the provisions of any Act heretofore passed or which shall hereafter be passed by the Governor-General of India in Council, it shall be lawful, in case of non-payment, if no other means for enforcing the payment are or shall be provided by such Act or otherwise, for the Magistrate, by warrant under his hand, to levy the amount of such fine by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of such Magistrate; and if no such property shall be found within such jurisdiction, then it

shall be lawful for every such Magistrate, by warrant under his hand, to commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Magistrate, for any term not exceeding two calendar months, where the amount of the fine shall not exceed 50 Rupees, and for any term not exceeding four calendar months where the amount shall not exceed 100 Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount.

II. And it is hereby enacted, that, in all cases in which offenders are or may be punishable by any Magistrate with fine or imprisonment, or both, according to the provisions of any Act heretofore passed or which shall hereafter be passed by the Governor-General of India in Council, and where the extreme amount of the fine or imprisonment is not specified, it shall not be lawful for the Magistrate to impose any fine exceeding 200 Rupees, or to imprison the offender for any term exceeding six months.

III. And it is hereby enacted, that, in all cases in which offenders are or may be punishable by fine before a Magistrate, according to the provisions of any Act heretofore passed or which hereafter shall be passed by the Governor-General of India in Council, it shall be lawful for the Magistrate, and he is hereby required to receive proof of the commission of the offence upon oath, or upon solemn affirmation in cases where a solemn affirmation is receivable by law instead of an oath.

IV. And it is hereby declared and enacted, that, in this Act and in all Acts heretofore passed by the Governor-General of India in Council, the terms "fine" and "fines" shall extend to all "penalties" and "forfeitures," and the term "magistrate shall extend to all "joint magistrates," "persons lawfully exercising the powers of a magistrate," and "justices of the peace."

Act No. V. of 1839.

Passed by the Honorable the President of the Council of India in Council on the 18th March 1839.

I. IT is hereby enacted, that it shall be lawful for any Magistrate or Justice of the Peace of the settlements of Prince of Wales' Island, Singapore and Malacca to grant a warrant or warrants to any peace or revenue officer or officers of the said settlements, empowering him or them by day or by night (but if between the hours of 11 o'clock at night and five in the morning, then the warrant to be executed by or in the presence of a peace officer), to enter and search any dwelling-house, shop, or other building, in any case in which there shall appear to such Magistrate or

Justice of the Peace, upon the oath of any party, good and sufficient cause to believe that in any such dwelling-house, shop, or other building, there is deposited or concealed any article or articles the exclusive privilege of preparing or selling which has been farmed out to any party or parties whosoever by the East India Company, under Regulations Nos. II., III., IV., and V. of 1830, passed by the late Governor in Council of the said settlements of Prince of Wales' Island, Singapore and Malacca, and also under Regulation IV. of 1831, passed by the Vice-President in Council on the 18th of October 1831, and also under Regulations X. and XI. of 1833 respectively, passed by the Governor-General in Council on the 9th of September 1833, and to seize and take possession of any such article or articles as may be found so deposited or concealed therein, and it shall be lawful for any officer to whom any such warrant shall be granted, and he is hereby authorised in case of resistance, to break open any door, and to force and remove any other impediment or obstruction to such entry, search, or seizure and removal as aforesaid.

II. And it is hereby enacted, that any person or persons found committing any act in contravention of any of the provisions of the said Regulations may be immediately searched without a warrant by any peace or revenue officer; Provided always, that the person to be searched may demand to be taken before some neighbouring Magistrate or Justice of the Peace, who shall determine if there be reasonable grounds of suspicion, and every such officer or officers as aforesaid is hereby authorised and required to take such person upon demand before a neighbouring Magistrate or Justice of the Peace, detaining such person in the meantime; and if any person shall obstruct any such officer or officers in making any such search as aforesaid, every such person shall be subject, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding 100 Rupees, such fine to be committed in case of non-payment to imprisonment for any period not exceeding three calendar months.

III. And it is hereby enacted, that, if any peace or revenue officer shall maliciously and without reasonable grounds apprehend or detain any person or persons on the plea that such person or persons have infringed any of the provisions of any of the said Regulations, it shall be competent for any Magistrate or Justice of the Peace to hear the complaint, and if necessary to adjudge the offending officer or officers to pay a fine not exceeding 100 Rupees, such fine to be commuted, in case of non-payment, to imprisonment for any period not exceeding three calendar months.

IV. And it is hereby enacted, that in case any officer committed under the preceding Section shall have paid the sum adjudged to be paid by him, or shall have suffered the imprisonment awarded for non-payment thereof, every such officer shall be released from all further or other proceedings from the same cause.

V. And it is hereby enacted, that no peace or revenue Officer of the said settlements shall be competent to act under the provisions of this Act, unless appointed specially so to do in writing by the principal civil authority of the Station where such peace or revenue Officer may reside, which authority shall be duly registered at the Police-Office of the said Station, and liable to be annulled at the pleasure of the said resident Councillor.

Act No. VI. of 1839.

Passed by the Honorable the President of the Council of India in Council on the 18th March 1839.

I. THE existing Charter of the Bank of Bengal having been found in many respects inconvenient and imperfect, the members of the said corporation have by their Directors applied to the Governor-General of India in Council for the amendment thereof by a new Charter or Act of Incorporation, tendering the surrender thereupon of the said Charter, and the Governor-General in Council having assented to such surrender, and to the continuance of the said corporation as hereinafter declared, it is hereby enacted, that from the 1st day of May next after the passing of this Act the Charter of the said Bank of Bengal bearing date the 29th May 1823, and the Acts No. XIX. of 1836 and No. XXIV. of 1838 relating thereto, shall respectively cease to have effect, and the same are hereby from that day cancelled, save as to such particulars as are herein mentioned or referred to.

II. And it is hereby enacted, that the persons who at the time of the determination of the said Charter and Acts aforesaid shall, under the provisions of the said Charter and Acts, be the proprietors of the capital stock of the said Bank of Bengal, shall, notwithstanding the determination of the said Charter and Acts, continue to be a corporation, body corporate and politic, by the name of the Bank of Bengal, with perpetual succession to them and their successors, proprietors for the time being of the said bank as hereinafter mentioned, and to possess and enjoy all the rights, privileges and immunities incident by law to a corporation aggregate.

III. And it is hereby enacted, that all property and securities for property, claims and demands whatsoever now vested in or held by the said Bank of Bengal, under and by virtue of the said Charter and Acts, shall immediately on the determination of the said Charter devolve on and become vested and continued in the Bank of Bengal, so continued and incorporated by this Act as aforesaid, and that the said Bank of Bengal, so continued and incorporated as aforesaid, shall be subject to all debts, demands, claims and liabilities outstanding against the said Bank at the time of such determination of its said Charter as aforesaid, and that no suit or proceeding at law or in equity then pending shall cease or abate in consequence of such deter-

mination of the said present Charter, and of such renewal and continuance of the said Bank by virtue of this Act.

IV. And it is hereby enacted, that the said Bank so renewed and continued shall and may sue and be sued by its corporate name aforesaid, and shall and may have and use such common seal as the Directors of the said Bank shall from time to time appoint, and shall be competent to acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

V. And it is hereby enacted, that the capital stock of the said Bank, as constituted under the said present Charter and Acts, shall, on the determination of the same by virtue of this Act, continue to be the capital stock of the said Bank so renewed and continued as aforesaid; provided, however, that it shall be in the power of the Governor-General of India in Council from time to time, by resolution notified in the Calcutta Gazette, to authorise the said capital stock to be increased, and to make such order and direction for the opening of subscription towards such increase of capital as to him may seem fit, giving due notice thereof to the proprietors of the said Bank for the time being, and allowing to them a period of not less than 12 months to fill up such subscriptions themselves, and likewise to prescribe in what manner and form the proprietors shall subscribe and pay into the said Bank the proportions of new stock to which they may respectively be entitled, and to make such order and direction as to him the said Governor-General in Council may seem fit for the disposal of the amount of new stock that may not be subscribed for and paid up in the manner and form so prescribed.

VI. And whereas the capital stock of the said Bank, which by the said Act No. XIX. of 1836 was fixed at 75 lakhs of Rupees, divided into 1,875 shares of 4,000 Rupees each, has, by the Resolution of the President of the Council of India in Council, issued and notified to the proprietors on the 17th October 1838 in conformity with Act No. XXIV. of 1838, been ordered to be increased by one-half, and whereas a book is now open for subscriptions, and payment is now being made of such increased capital in the manner and under the terms and conditions authorised in the said Act No. XXIV. of 1838, and prescribed in the said order and notice of the President in Council, it is therefore hereby enacted, that the capital stock of the said Bank shall, on the said 1st May next, when this Act shall take effect for the re-incorporation of the said Bank, consist of the said sum of 75 lakhs of Company's Rupees, together with such further amount as shall on that date have been subscribed and paid into the Bank of Bengal under the order and notice referred to, and the further subscriptions and payments of capital authorised and ordered as abovementioned shall continue to be received in the manner provided in the said order and notice of the President in Council, and shall be added to the capital stock of the Bank as received

accordingly as is prescribed in the said order passed under the authority of the said Act; and the capital stock held by the Bank of Bengal on the said 1st May next, together with the further capital that may be subscribed and paid up as above after that date, shall be divided into shares of 4,000 Rupees each, or into quarter shares of 1,000 Rupees each, in the manner declared and provided by Act No. XIX. of 1836, and the shares of the said capital that may be then registered in the name of the Governor-General of India in Council shall be the property of the said Governor-General of India in Council for the time being, on behalf of the East India Company, together with any new shares or quarter shares for which subscription may be made on account thereof, under the option reserved to the said Governor-General of India in Council to that effect in the said order and notice; and the shares and quarter shares registered as belonging to individual proprietors shall continue to be the property of such proprietors, and the said proprietors shall respectively be in the proportion of their several interests proprietors of the Bank of Bengal as re-incorporated by this Act, and shall hold and enjoy in respect to their several shares and interests the same precise rights and privileges, as regards the subscription to fresh stock, under the order and notice referred to, as they would have done if the Bank of Bengal had continued under the Charter and Acts referred to, the re-incorporation of the said Bank by this Act notwithstanding.

VII. And it is hereby enacted, that no proprietor shall be allowed to increase his share in the capital stock of the said Bank beyond the amount of one lakh and 60,000 Rupees, excepting on occasion of the present or of any future increase being made to the capital stock of the said Bank under the authority of the Governor-General in Council in the manner prescribed in Sections V. and VI. of this Act, in which case any proprietor holding stock to the full amount of one lakh and 60,000 Rupees, shall, notwithstanding, be entitled to subscribe to the increased capital stock in a rateable proportion; and excepting any addition to his interest in the said capital stock arises from succession, bequest, or marriage.

VIII. And it is hereby enacted, that a certificate signed by three Directors of the said Bank shall be delivered to the proprietor or proprietors of all the said shares of the capital stock of the said Bank, upon demand made by the holder of such share, and that any person who is a proprietor of more than one such share, may at his option demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

IX. And it is hereby enacted, that the said share or shares of the capital stock of the said Bank shall be of the nature of personal estate of the proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on such certificates thereof respectively, under the hand of the proprietor or proprietors,

or his, her, or their attornies duly authorised, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made; Provided, that no such endorsement shall be effectual to transfer any such share or shares until such endorsement shall have been registered at the Bank of Bengal, and such registration shall have been noted on such endorsement, under the hand of an officer appointed for that purpose by the Directors of the said Bank.

X. And it is hereby enacted, that the said corporate body, so renewed and continued as aforesaid, shall consist and be composed of the registered proprietors for the time being of the said shares of the capital stock of the said Bank, and of no other person or persons whatsoever.

XI. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and removable by the Governor-General of India in Council, and the remaining six shall be elected by a general meeting of the proprietors of the said Bank, and removable by vote of the majority of a general meeting of the said proprietors.

XII. And it is hereby enacted, that the persons who, at the time of such determination of the said present Charter and Acts as aforesaid, shall be Directors of the said Bank, shall thereafter continue to be Directors of the said Bank so renewed and continued as aforesaid.

XIII. And it is hereby enacted, that two of the six Directors elected and to be elected by the said proprietors shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a general meeting of proprietors shall be held for the election of two Directors in their stead; Provided always, that any Director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon; Provided also, that the rotation existing at the time of such determination as aforesaid of the said present Charter and Acts shall continue to be observed.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Calcutta for more than three months, or removal as aforesaid, of any Directors elected or to be elected by the said proprietors, the Directors shall call a general meeting of the proprietors, to be held within 15 days, for the purpose of choosing a successor; and such successor shall come into the same place, in the rotation above mentioned, in which the director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a Director, by election of the said proprietors, who shall not be proprietor in his own right, and unincumbered, of three shares of 12,000 Rupees of the capital stock of the Bank of Bengal, or who shall be a Director of any other Bank issuing notes payable on demand within the town or suburbs of Calcutta.

XVI. And it is hereby enacted, that at general meetings of the proprietors, every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such meeting in respect of any share of the said capital stock acquired by transfer or purchase, or otherwise than by act of law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such general meetings the proprietors shall vote according to the following scale:—

1	share of 4,000 Rupees shall entitle to 1 vote.						
5	...	ditto	...	...	...	ditto ...	2 votes.
10	...	ditto	...	...	...	ditto ...	3 votes.
15	...	ditto	...	...	...	ditto ...	4 votes.
20	...	ditto	...	...	...	ditto ...	5 votes.
30	...	ditto	...	...	...	ditto ...	6 votes.
40	...	ditto	...	...	...	ditto ...	7 votes.

and no proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor-General may appoint to attend any general meeting of the proprietors, and that the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such meeting, excepting upon the election or removal of such Directors as are elected by the said proprietors.

XIX. And it is hereby enacted, that any proprietor or proprietors entitled to vote at any general meeting may give a proxy in writing, either general or special, under his, her, or their hand, or the hand of his, her, or their attorney, duly authorised, to any other proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given to vote on such matters as shall be authorised by the tenor of such proxy.

XX. And it is hereby enacted, that, at the first meeting of the Directors in every year, they shall choose a President from among themselves, and if the office of President shall become vacant, they shall at their next meeting choose a successor for the remainder of the current year; and that during any vacancy or in the absence of the President, the senior Director shall be Vice-President for the time, and that such President or Vice-President shall have the casting vote in all cases of an equal division of votes at meetings, either of directors or proprietors.

XXI. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a board for the transaction of business, and that the said

directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every meeting of Directors; Provided always, that nothing herein contained shall be held to preclude any Director from attending any meeting of Directors.

XXII. And it is hereby enacted, that all accounts of the said Bank, and all instruments not under seal, whereby the said Bank can in any manner be bound, except the cash notes of the bank, shall be signed by three Directors, and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors, who shall sign their names to the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors such instrument shall be of no validity.

XXIII. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any Officer of the said Bank, and to fix the salaries of such Officers Provided that the whole expense of the establishment of the said Bank shall not in any one year exceed 60,000 Rupees, without previous authority from the general meeting of the proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the office of Secretary, Treasurer, Head Accountant, or Khazanchee of the Bank of Bengal, shall engage in any other commercial business, either on his own account or as agent for any other person or persons, or act as a broker for the sale or purchase of Government securities; and that every person appointed to any one or more of the said offices shall give security to the Directors for the faithful discharge of his duty, in the sum of 50,000 Rupees.

XXV. And it is hereby enacted, that the said Bank of Bengal shall not be engaged in any kind of business except the kinds of business hereinafter specified, that is to say—

1. The discounting of negotiable securities.
2. The keeping of cash accounts.
3. Buying and selling of bills of exchange payable in India.
4. The lending of money on short loans.
5. The buying and selling of bullion.
6. The receiving of deposits.
7. The issuing and circulating of cash notes and bank post-bills.
8. The selling of property or securities deposited in the Bank as security for loans and not redeemed, or of property or securities recovered by the Bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the Directors of the said Bank shall discount no negotiable security and make no loan, unless the amount of cash in possession of the said bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank, outstanding for the time being, and payable on demand.

XXVII. And it is hereby enacted, that the Directors of the said Bank of Bengal shall not discount any negotiable securities which shall have a longer period to run than three months, or lend any money for a longer period than three months, and that they shall make no loan or advance on any Bank Share, or certificate of shares, nor on mortgage, or in any other manner on the security of any lands, houses, or immovable property, nor on any negotiable security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual or partnership firm, either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government Securities, or goods not perishable, as hereinafter mentioned,) beyond the amount of three lakhs of Company's Rupees: Provided always, that advances upon bills of exchange accepted by the Government, or upon other Government obligations, shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as are described in the Section next preceding, except on deposit of public securities to the full amount of the loan, and which public securities shall be so endorsed or transferred as to put them at the absolute disposal of the said Bank of Bengal, or on deposit of goods not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one-fourth.

XXIX. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than seven lakhs and a half of Company's Rupees; Provided always, that the holding of Government Securities, or of bills of exchange drawn upon the Government, or of other Government acceptances or obligations derived to the said Bank from individuals, and not overdue, shall not be construed as being in advance to the Government within the meaning of this Section.

XXX. And it is hereby enacted, that the Directors of the said Bank of Bengal shall not suffer any person or persons, or body corporate, keeping cash with the said Bank of Bengal, to overdraw his, her, or their account.

XXXI. And it is hereby enacted, that the said Bank of Bengal may issue promissory notes, payable either on demand or at a date not exceeding 30 days after sight, which notes shall and may be signed on behalf of the said Bank by such per-

son as the Directors of the said Bank may appoint or authorise in that behalf; Provided always, that the total amount of such notes in circulation at any one time shall not exceed two crores of Rupees; And Provided also, that no such note shall be for a smaller amount than 10 Rupees.

XXXII. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate any note, bill, or other instrument containing any promise, undertaking, or order for the payment of money elsewhere than within the limits of India.

XXXIII. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Bengal to receive in deposit goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXIV. And it is hereby enacted, that the Directors of the said Bank shall cause the books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a settlement of the balance on every such day, signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor-General of India in Council, and that the Governor-General of India in Council shall at all times be entitled to require of the said Directors any information touching the affairs of the Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXV. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half-yearly on the 1st day of January and the 1st day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the Directors of the said Bank, on the ground of the actual profits made by the said Bank during the six calendar months preceding the day up to which such half-yearly account shall be taken; Provided, that the said Directors, subject to the control and sanction of the proprietors at their general meetings, shall have power, when they see fit, to set apart from such profits a sum not exceeding five per cent. on the capital stock of the Bank, as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a general meeting of the proprietors of the capital stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said proprietors a statement of affairs of the said Bank, made up to the preceding 30th of June, and such general meeting shall be competent to pass resolutions, and frame rules and directions relative to affairs and conduct of the said Bank, which shall be binding on the Directors and officers of the Bank, and on the proprietors thereof, until rescinded or modified respectively by any subsequent general meeting.

XXXVII. And it is hereby enacted, that any three of the said Directors of the said Bank, or any 10 proprietors of the capital stock of the said Bank, may at any time convene a general meeting of the proprietors, upon giving fifteen days' previous notice of such meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public advertisement in the Calcutta Gazette.

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bengal, with the sanction of the Governor-General of India in Council, to establish branch banks at such places, and under such rules and restrictions as shall be determined by the proprietors at their general meetings. Provided, however, that such branch banks when so established, besides being subject to the rules and restrictions that may be imposed by the proprietors, and to the control and orders of the Directors of the Bank at Calcutta, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters hereinabove referred to, as are prescribed for the Bank of Bengal by this Act.

XXXIX. And it is further enacted, that if any of the said proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank, to withhold payment of the dividends on the share or shares of such proprietor registered as his or her own property, and not as held in trust, or as executor or administrator, until payment of such debt, and to apply such dividends towards payment thereof; and that after demand and default of payment and notice in that behalf given either to such proprietor, or his or her constituted agent, or by public advertisement in the Calcutta Gazette, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such proprietor, until payment of such debt; and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such proprietor, or to his or her lawful representative.

XL. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of May, which will be in the year of Our Lord 1846, and shall thereafter continue in like manner until duly dissolved or modified; Provided, however, that after the said 1st day of May 1846, the said Bank shall not, except upon the application or by the consent of the proprietors of the said Bank, be dissolved, or anywise modified, without previous notice of 12 months at the least being given to the Directors of the said Bank for the time being of such intended

dissolution or modification; Provided also that in the event of the said Bank at any time suspending cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

ACT No. IX. OF 1839.

Passed by the Honorable the President of the Council of India in Council on the 15th April 1839.

I. IT is hereby enacted, in addition to the rules already in force for instituting suits *in formâ pauperis*, that no person shall be hereafter entitled to institute any suit *in formâ pauperis*, in any Civil Court of Judicature within the territories subject to the Presidency of Fort William in Bengal, unless the Court in which his petition may be presented shall, before granting such petition, be satisfied by the examination of the petitioner, or of his or her agents or witnesses (which examination shall be taken on oath, or solemn affirmation in cases where a solemn affirmation may be received instead of an oath), that there is probable cause for instituting the suit.

II. And it is hereby enacted, that, in all suits instituted *in formâ pauperis*, the pleadings on the part of the defendant as well as all papers filed on his part on which a stamp is required by Schedule (B.) of Regulation X. of 1829 of the Bengal Code, may be written on unstamped paper, and copies of orders or proceedings which the defendant may be required to take shall be furnished to him on unstamped paper; and the defendant shall not be required to deposit vakeel's fees; Provided always, that on the conclusion of the suit the court shall calculate the whole of the costs which would have been incurred by the defendant on account of stamp duties if the suit had not been instituted *in formâ pauperis*, and shall charge the same to the party cast, or to the parties respectively, in such proportions as may be deemed reasonable.

III. And it is hereby provided, that nothing in this Act contained shall be construed to extend to any suits instituted *in formâ pauperis*, in any of Her Majesty's Courts of Justice.

ACT No. XII. OF 1839.

Passed by the Honorable the President of the Council of India in Council on the 29th April 1839.

I. IT is hereby enacted, that from the 1st day of January in the year of our Lord 1840, Regulation I. of 1827, passed by the Governor in Council of Prince of Wales' Island, Singapore and Malacca, shall be repealed.

II. And it is hereby enacted, that from the day aforesaid an assessment shall be levied on all dwelling-houses, and other buildings within the limits of the towns of

George Town, Singapore and Malacca, according to the real annual values thereof, at a rate not exceeding 10 per cent. of such annual values.

III. And it is hereby enacted, that from the day aforesaid an assessment shall be levied on all property of the nature described in the foregoing Section, but which shall be situated beyond the limits of the aforesaid towns of George Town, Singapore and Malacca, at a rate not exceeding five per cent. on the annual rent or value thereof.

IV. Provided always, that any property which would be subject to assessment as aforesaid, of which the real annual value shall be less than six Spanish dollars, shall be exempted from such assessment, if it be the sole assessable property of the owner.

V. And it is hereby enacted, that it shall be competent to the chief civil officer in authority, within the incorporated settlement of prince of Wales' Island, Singapore and Malacca, to fix the limits of the aforesaid towns, in order to the determination of the rates of assessment leviable under this Act.

VI. And it is hereby enacted, that all religious edifices, hospitals, cemeteries, and buildings strictly and exclusively appropriated to charitable purposes, shall be exempted from assessment under this Act.

VII. And it is hereby enacted, that all houses, bungalows and other buildings situated within the limits of any military cantonment, and occupied by European or Native officers, soldiers or sepoys, shall be exempted from assessment.

VIII. And it is hereby enacted, that a tax shall be levied on all carriages, carts and cattle in use within the incorporated settlement of Prince of Wales' Island, Singapore and Malacca, at the following rates.

On every four-wheeled carriage, Spanish dollars 10 per annum.

On every two-wheeled carriage, Spanish dollars eight per annum.

On every cart drawn by any description of draught cattle, Spanish dollars six per annum.

On every horse, mare, gelding, pony or mule, Spanish dollars two per annum.

IX. And it is hereby enacted, that the chief civil officer in authority in the Straits, under instructions from the Governor of Bengal, shall have power to appoint such officers as may be deemed requisite for the collection of the assessment and taxes leviable under this Act, at the stations of Prince of Wales' Island, Singapore and Malacca, and the officers so appointed shall, in the execution of their duty, be subject to the same responsibility as would attach to them if they were employed in the collection of the land revenue.

X. And it is hereby enacted, that if payment of the aforesaid assessment and taxes be not duly made, the officers appointed to collect the same shall certify in writing such non-payment to any Justice of the Peace, who, if he shall be satisfied that due diligence has been used to obtain payment, and that the same has been improperly withheld, shall issue his warrant for distraining the amount on any goods and chattels, to whomsoever belonging, in or upon the dwelling-houses and other buildings respectively charged, or for distraining any person charged, by his goods and chattels, or both, and for selling every such distress; and the overplus, after deducting the expenses, shall be paid to the owner of the goods and chattels distrained.

XI. Provided always, that it shall be competent to the officers appointed to collect the aforesaid assessment and taxes, in lieu of proceeding against defaulters by warrant of distress, to sue for the recovery of arrears through any court of justice to which defaulters may be amenable.

XII. Provided also, that if any party, from whom payment of the assessment or taxes leviable under this Act may have been demanded, objects to the demand, either on the ground of surcharge or by reason of claim to the exemption or abatement under any of the foregoing provisions, it shall be competent to such party, after payment of the amount demanded, to appeal against such demand to the Justices of the Peace sitting in general quarter sessions at the station where such party resides, and the said Justices shall have power to hear and decide on such appeal and to pass such order thereon as may seem just.

XIII. And it is hereby enacted, that, out of the funds collected from the assessment and taxes leviable under this Act, provision shall be made, in conformity with such instructions as may from time to time be issued by the Governor of Bengal, for the efficient watching, cleansing, lighting and repairing of the streets and thoroughfares in the towns of George Town, Singapore and Malacca, and for the making and repairing of roads and bridges, and the effecting of other purposes necessary for the comfort and protection of the inhabitants of the incorporated settlement aforesaid.

XIV. And it is hereby enacted, that as soon after the 1st day of January in each year as may be found practicable, the officer collecting the assessment and taxes under this Act at each of the three stations of Prince of Wales' Island, Singapore and Malacca shall prepare a detailed statement, exhibiting the sums collected under the several heads of cesses and taxes during the preceding year, and showing also the disbursements which have been made during the same period on account of the various purposes enumerated in this Act.

XV. And it is hereby enacted, that the statement, prepared in the manner aforesaid, and duly attested by such officer as last-mentioned, shall be published at

the station to which it relates, in a newspaper; and if such station have no newspaper, the publication shall be made in some other newspaper of extensive circulation published within the incorporated settlement of Prince of Wales' Island, Singapore and Malacca. And the said statement shall also be open to general inspection at the office of such Officer, for a period of one month from the date of its publication.

XVI. And it is hereby enacted, that the officers appointed to collect the assessment and taxes leviable under this Act, shall, in the conduct of their duties, be subject to the general superintendence and control of the chief civil authority residing in the aforesaid incorporated settlement.

XVII. And it is hereby enacted, that the Officer superintending the police at each of the stations of Prince of Wales' Island, Singapore and Malacca, between the 1st and 15th day of January in each year, shall require the owners of all palanquin carriages, carts and other vehicles, kept in such station for the purpose of being let to hire for the conveyance of passengers or goods, to enter such vehicles in a register to be kept for that purpose at the Police Office. And every owner of a palanquin carriage, cart, or other vehicle subject to such registration, who shall omit to enter such vehicle at the Police Office, in the manner required by this Act, shall, on conviction before a Justice of the Peace, forfeit for each offence a sum not exceeding 20 Spanish dollars, with costs of suit, which forfeiture shall on non-payment be recoverable by warrant of distress and sale under the hand of the convicting Justice of the Peace; and the overplus of the goods and chattels sold, after deducting the expenses, shall be paid to such owner.

XVIII. And it is hereby enacted, that the assessment and taxes leviable under this Act shall be paid half-yearly in advance, and that the said assessment shall be charged on the dwelling-houses and other buildings respectively assessed, and on the respective owners and occupiers thereof, at the time of such assessment, and that the said taxes shall be charged on the owners of the respective cattle, carriages, carts, or other vehicles subject to such taxes.

XIX. And it is hereby enacted, that every owner of a registered vehicle, who shall neglect to place in a conspicuous part of such vehicle a numbered board, which shall be furnished to him by the registering Officer, shall, on conviction before a Magistrate, forfeit the sum of five Spanish dollars for each offence, with costs of suit.

XX. And it is hereby enacted, that when any change in the occupation of any dwelling-house, or other building assessed, shall take place within the year after such assessment as aforesaid, then such assessment may be levied in manner aforesaid as well upon the dwelling-house or other building respectively charged, as upon the goods and chattels of the occupiers thereof according to their respective periods of occupation, w thout any new assessment.

XXI. And it is hereby enacted, that the owner of any dwelling-house, or other building assessed, which is not let to any tenant, shall be deemed the occupier thereof; Provided always, that if such owner can show that the premises have not been inhabited or used for a period of three months or upwards in any year, he shall be entitled to a proportionate abatement of assessment levied on the same for the said year.

XXII. And it is hereby enacted, that no assessment or charge made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to assessment or tax, or of any thing chargeable with assessment or tax, or any mistake in the amount of the assessment or tax charged, provided the directions of this Act be in substance and effect complied with.

Act No. XV. of 1839.

Passed by the Honorable the President of the Council of India in Council on the 10th June 1839.

I. IT is hereby enacted, that if any person, on or after the day on which this Act will come into operation as hereinafter provided, lands or attempts to land in any part of the territories subject to the government of the Presidency of Fort St. George, any foreign sugar, or any sugar which is the growth of any British possession into which foreign sugar can be legally imported, such sugar shall be seized and confiscated by the Collector of the Customs, or by any other officer thereunto authorised by the Governor in Council of the said Presidency; Provided always, that sugar which is the growth of any part of the Presidency of Fort William in Bengal into which foreign sugar, and sugar which is the growth of any British possession into which foreign sugar may be legally imported, are prohibited from being landed, may, during such prohibition, be landed in the said territories as heretofore.

II. And it is hereby enacted, that if any person being in possession of sugar, the produce of the said territories, desires to obtain a certificate of origin from the Collector or Assistant Collector of the land or custom revenue of any district within the said territories, or from any other officer appointed by the Governor in Council of Fort St. George to give such certificates, such person shall, in the presence of the officer from whom he desires to obtain such certificate, make and subscribe a Declaration in the form contained in the Schedule hereunto annexed, marked (A.)

III. And it is hereby enacted, that the officer, before whom such a Declaration as is aforesaid shall have been made, shall grant under his hand and seal to the declarant a certificate in the form contained in the Schedule hereunto annexed, marked (B.)

IV. And it is hereby enacted, that every person who intends to ship sugar from any place within the said territories for any part of the United Kingdom, shall be entitled to produce to the Collector of Customs at that place, or to any other officer who may have been appointed by the Governor in Council of Fort St. George to act on such occasions instead of the Collector of Customs, a certificate such as is above described, and also in the presence of the officer to whom he has so produced such certificate, to make and subscribe a Declaration in the form contained in the Schedule hereunto annexed, marked (C.)

V. And it is hereby enacted, that the officer to whom such a certificate shall have been so produced, and before whom a declaration in the last mentioned form shall have been so made and subscribed, shall grant to the person who has made the last mentioned declaration a certificate in the form contained in the Schedule hereunto annexed, marked (D.)

VI. And it is hereby enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding 5,000 Rupees, and imprisonment, with or without hard labour, for a term not exceeding two years.

VII. And it is hereby enacted, that this Act shall come into operation at the expiration of one year after the passing of this Act.

SCHEDULES: (A.)

I, *A. B.*, solemnly declare that all the sugar hereinunder described is, to the best of my knowledge and belief, the produce of this district of

Description of the Sugar to which the Declaration relates.

Quantity.	Quality.	Number and Denomination of Packages.

The day of 18 . (Signed) *A. B.*

(B.)

I, *C. D.*, Collector of land revenue (or Collector of custom revenue, or being an officer appointed by the Governor in Council of Fort St. George to act in this behalf) for this district of , do hereby grant this certificate, under my hand and seal, that the sugar hereinunder described is of the produce of this district of , and that the importation of foreign sugar, and of sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited in the said district of

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number and Denomination of the Packages.	Name of the Declarant on whose Declaration the Certificate is given.

(L. S.) (Signed) *C. D.*

(C.)

I, *E. F.*, shipper of the sugar hereinunder described, solemnly declare that all the sugar hereinunder described, is, to the best of my knowledge and belief, the same sugar to which the certificate now produced by me relates.

Description of the Sugar to which the Declaration relates.

Quantity.	Quality.	Number and Denomination of Packages.	Name of Ship in which the Sugar is shipped or to be shipped.	Name of the Master of the Ship.

(Signed) *E. F.*

(D.)

I, *G. H.*, Collector of customs (or being an officer appointed by the Governor in Council of Fort St. George to act in this behalf) for the port of

certify, under my hand and seal, that there has been produced to me by *E. F.*, the shipper of the sugar hereinunder described, a certificate, under the hand and seal of *C. D.*, Collector of land revenue, (or Collector of custom revenue, or being an officer appointed by the Governor in Council of Fort St. George to act in this behalf), for the district of , in the territories subject to the Government of the Presidency of Madras, which certificate certifies that the said sugar is the produce of the said district, and that the importation of foreign sugar, or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited in the said district.

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number and Denomination of Packages.	Name of the Ship.	Name of the Master of the Ship.

(L. S). (Signed) *G. H.*

ACT No. XVII. OF 1839.

Passed by the Honorable the President of the Council of India in Council on the 1st July 1839.

IT is hereby enacted, in modification of so much of Sections VI. and XIV. of Act No. XVII. of 1837 as provides that postage duties shall be levied at the rates set forth in Schedules (A.) and (B.) appended to the said Act, that it shall be competent to the Governor-General of India in Council, by an order and notice to be published in the Government Gazettes of the several Presidencies of India, to authorise the levy of postage duties at rates different from those severally specified in the Schedules (A.) and (B.) annexed to Act XVII. 1837, and to publish revised Schedules from time to time to give effect to such modifications; provided always there be no increase made thereby in any particular of the rates prescribed in the said Schedules (A.) and (B.), and likewise to fix the time when the levy shall commence to be made at such modified rates, and to cancel or modify any order and notice so

issued, by further similar order and notice, and the said revised Schedules of rates shall, for so long as may be so ordered and notified, be of the same effect and validity as the Schedules annexed to the said Act.

ACT No. XVIII. OF 1839.

Passed by the Honorable the President of the Council of India in Council on the 15th July 1839.

IT is hereby enacted, that any person accused of the offence of murder by Thuggee, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Thuggee, may be tried by any Court which would have been competent to try him if his offence had been committed within the zillah where that court sits, anything contained in any Regulation or Regulations to the contrary notwithstanding.

ACT No. XIX. OF 1839.

Passed by the Honorable the President of the Council of India in Council on the 22nd July 1839.

IT is hereby enacted, in modification of Clause 5, Section XIII. of Regulation XIII. of 1827, of the Bombay Code, that all sentences passed by an Assistant Session Judge whereby a convict is liable to imprisonment for a period exceeding two years shall, before they are carried into execution, be confirmed by the Session Judge, whose powers and proceedings in respect of any such case shall be the same as are laid down for the guidance of the Sudder Foujdaree Adawlut in Clause 2 of the Section and Regulation aforesaid, and it shall not be necessary to refer any such case to the Sudder Foujdaree Adawlut.

ACT No. XXI. OF 1839.

Passed by the Honorable the President of the Council of India in Council on the 26th August 1839.

An Act for the Trial of Prisoners charged with the commission of certain Petty Offences in the Town of Calcutta and on the River Hooghly.

I. WHEREAS it is expedient to make further provision in regard to such charges of felony as have been usually determined by Justices of the Peace, under the authority of the bye-laws for the town of Calcutta, by preventing, as far as is

consistent with the attainment of justice, any delay of trial, or inconvenience to prosecutors, witnesses and jurymen, by limiting the powers heretofore exercised by such justices, and by subjecting their proceedings upon convictions for felony to more regular control and revision: and whereas it is also expedient to provide the like remedy in cases of assaults committed in certain parts of the river Hooghly without the limits of the Town of Calcutta, as hath been provided in cases of assaults committed within such limits.

It is, therefore, hereby enacted, that it shall not be lawful for any Justices or Justice of the Peace to sentence any person charged with the commission of any felony within the town of Calcutta, or with the possession of stolen property within the same town, by virtue of any bye-law for the town of Calcutta, or by virtue of such bye-law and under Act IV. of 1835, or otherwise than according to the provisions of this Act; and the 6th Section of a certain Rule, Ordinance and Regulation entited, a Rule, Ordnance and Regulation for the Good Order and Civil Government of the Settlement of Fort William in Bengal, passed in Council on the 26th day of July in the year of our Lord 1814, and registered in the Supreme Court on the 11th day of November in the same year, is hereby repealed.

II. And it is hereby declared and enacted, that all persons charged with the commission of simple larceny within the town of Calcutta may be tried by any Justice of the Peace for the said town, provided the value of the property which the prisoner is charged with having stolen does not, according to the belief of such Justice, exceed 20 Rupees.

III. And it is hereby provided, that such Justice of the Peace shall not have power to sentence any such person to be imprisoned, with or without hard labor, for a longer period than six calendar months, or to be transported.

IV. And it is hereby provided, that it shall be lawful for any Justice of the Peace before whom any person is charged with the commission of any simple larceny at his discretion, instead of trying such person himself, to commit such person for trial before Her Majesty's Supreme Court of Justice in Calcutta.

V. And it is hereby enacted, that every such Justice, after trying any offender charged with the commission of a simple larceny, shall cause his judgment to be drawn up in the following form of words, or in such other form of words to the same effect as the case shall require, that is to say:

Be it remembered, that on the day of in the Year of our Lord at Calcutta, A. B. is (acquitted, or convicted) before me J. P., a Justice of the Peace for the town of Calcutta, on a charge of simple larceny, for that he the said A, B. did feloniously (here specify the alleged offence and the time and place when and where the

same was committed, as the case may be), and I, the said J. P. believe the value of the property stolen to amount to a sum not exceeding 20 Rupees, that is to say —— Rupees; and I, the said J. P. adjudge the said A. B. (here state that the prisoner is to be dischrged, or the punishment he is to suffer, as the case may be)

Given under my hand, the day and year first above named.

(Signed) ——————

VI. And it is hereby enacted, that once at least in every term, and oftener if required by Her Majesty's Supreme Court of Justice at Calcutta, every such Justice shall transmit to Her Majesty's said Supreme Court of Justice, judgments, whether of acquttal or conviction, passed by him, together with the depositions and examinations of the witnesses and prisoners, there to be kept by the proper officer among the records of the court.

VII. And it is hereby enacted, that upon the trial of any prisoner for simple larceny as aforesaid, every such Justice of the Peace shall require the witnesses against and on behalf of the prisoner to be sworn, or to make solemn affirmation in cases where an affirmation is by law permitted in the place of an oath, and shall cause the depositions of the witnesses and the examination of the prisoner to be reduced into writing, and every such deposition and examination shall be signed by such Justice.

VIII. And it is hereby enacted, that upon the trial of any person charged with the commission of simple larceny before any such Justice of the Peace as aforesaid, if any person being duly summoned by such Justice shall refuse to attend as a witness, or to give evidence, he shall be liable to be punished by Her Majesty's Supreme Court of Justice at Calcutta in like manner as if he had refused to attend as a witness, or to give evidence before Her Majesty's said Supreme Court of Justice.

IX. And it is hereby enacted, that upon any conviction for simple larceny as aforesaid, the Justice of the Peace before whom any person shall be so committed shall have power to order the restitution of the property stolen, if forthcoming, to the owner or his representative, and in case of its not being restored pursuant to such order, to impose on any person refusing or neglecting to restore the same, a fine not exceeding 20 Rupees, and in default of payment to adjudge the person guilty of such neglect or refusal to be imprisoned for the space of one calendar month, unless the property be sooner restored.

X. And it is hereby enacted, that all persons charged with the commission of any assault or battery on board of any merchant ship employed on sea voyages in the River Hooghly, or the mouths thereof, being part of the territories of the East India Company, may be tried before any such Justice of the Peace, and on conviction shall be liable to be punished by a fine not exceeding 100 Rupees, to be levied and enforced in manner provided by Act II. of 1839; and all the provisions of this

Act made in the case of charges of simple larceny shall, as far as they are applicable be applied in the case of such charges of assault or battery as aforesaid.

XI. And it is hereby declared, that nothing in this Act contained shall be construed to affect the remedy of any person aggrieved, by the conviction of any Justice of the Peace, through the means of the writ of certiorari.

Act No. XXIII. of 1839.

Passed by the Honorable the President of the Council of India in Council on the 23rd September 1839.

An Act for authorizing Sentences of Imprisonment, with or without Hard Labour, by Courts Martial, in certain cases.

IT is hereby declared and enacted, that in all cases in which, by a general order of the Governor-General of India in Council, dated the 24th of February, in the year of our Lord 1835, it is made competent for Courts Martial to sentence soldiers of the native army in the service of the East India Company to the punishment of dismissal from such service, it is and shall be lawful to sentence such soldiers to be imprisoned with or without hard labour for any period not exceeding two years, if the sentence be pronounced by a General Court Martial, or not exceeding one year if the sentence be pronounced by a Garrison or line Court Martial, or not exceeding six months if the sentence be pronounced by a regimental or detachment court martial. And every soldier so sentenced to imprisonment with hard labour for any period whatever, or to imprisonment without hard labour for any period exceeding six months, shall after confirmation of his sentence be dismissed from such service; provided always, that all sentences under this Act pronounced by any Court Martial inferior to a General Court Martial, shall require the confirmation of the general or other officer commanding the division or field force to which the person convicted belongs.

Act No. XXVI. of 1839.

Passed by the Honorable the President of the Council of India in Council on the 2nd December 1839.

AN Act for regulating inquiries into the truth of matters implicating the Public Conduct of Officers not removable without the sanction of Government within the Presidency of Fort William in Bengal.

I. Whereas it is expedient to consolidate the enactments contained in the regulations concerning inquiries into the truth of matters implicating the public

conduct of European officers, and to amend the same in various particulars, and to extend the same to all officers not removable without the sanction of Government:

It is hereby enacted, that such parts of Section 10, Regulation V. of 1793, and of Section 10, Regulation IV. of 1803 as relate to charges of corruption;

Section 8, Regulation VI. of 1793;

Section 8, Regulation V. of 1803;

Clauses 9, 10, and 11, and such other parts of Section 9, Regulation XIII. of 1793 as relate to covenanted servants of the Company;

Clauses 9, 10, and 11, and such other parts of Section I2, Regulation XII. of 1803 as relate to covenanted servants of the Company;

Section 4 and all the following Sections of Regulation VIII. of 1806;

Regulation X. of 1806, excepting so much of Section 10 of that regulation as relates to security required from persons preferring charges against Hindoo or Mahomedan law officers, or native ministerial officers of courts;

Regulation XVII. of 1813;

Regulation VIII. of 1817;

And Sections 5 and 6 of Regulation VIII. of 1825, of the Bengal Code;

Together with so much of any Regulations as extends any of the above regulations or parts of regulations to any places within the Presidency of Fort William in Bengal, be repealed.

II. And it is hereby enacted, that in the territories subject to the Presidency of Fort William in Bengal, whenever either of the Courts of Sudder Dewanny and Nizamut Adawlut, either of the Sudder Boards of Revenue, or the Board of Customs, Salt and Opium, shall be of opinion that substantial grounds exist for making a regular and formal inquiry into the truth of any imputation of official misconduct affecting any officer subject to their control respectively, and not removable without the sanction of Government, they shall submit the documents on which their opinion may be founded, together with a statement of the charges reduced to distinct articles which they may propose to be made the subject of a regular investigation, to the Governor of Bengal, or to the Lieutenant-Governor of the North Western Provinces, or to any functionary exercising the authority of Government in the North-Western Provinces, as the case may be, according to the authority to which they may be subject, for his consideration and orders.

III. And it is hereby enacted, that any charge or information of the description aforesaid may be preferred direct to either of the Courts of Sudder Dewanny and Nizamut Adawlut, either of the Sudder Boards of Revenue, or the Board of Customs, Salt and Opium, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and require the party accused to explain or reply to any matters

they may deem to need explanation, and make such further inquiries, upon oath or affirmation, upon the subject as they may judge proper.

IV. And it is hereby enacted, that any charge or information may also be made before any judge, magistrate, commissioner of revenue, or collector for any acts of the description beforementioned committed within their jurisdiction respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and shall transmit the deposition so taken to the Sudder Dewanny and Nizamut Adawlut, the Sudder Board of Revenue, or the Board of Customs, Salt and Opium, according as the person accused may be subject to those authorities respectively.

V. And it is hereby provided, that it shall not be lawful for the Courts of Sudder Dewanny and Nizamut Adawlut, or the said Boards respectively, to act upon any such charge or information, unless the person preferring the same shall make oath, or solemn affirmation in case he be entitled to be exempted from taking an oath, that he believes the facts on which the charge is grounded to be true.

VI. And it is hereby provided, that it shall be lawful for the Court of Sudder Dewanny and Nizamut Adawlut, and for the said Boards respectively, to dismiss any such charge or information where they do not see any substantial reason for entering further into the inquiry; provided that on every occasion when they shall dismiss any such charge or information, they shall submit the same, together will all the circumstances of the case, in like manner as is provided in Section II. of this Act.

VII. And it is hereby provided, that the said Courts of Sudder Dewanny and Nizamut Adawlut, and the said Boards respectively, may, at any stage of the inquiry into such matters as aforesaid, require the person preferring such charge or information as aforesaid to furnish such security as may be deemed reasonable that he will attend and prosecute the charge to a conclusion; and in the event of security being so required, all proceedings shall be stayed until the same shall be furnished accordingly.

VIII. And it is hereby provided, nevertheless, that if any matter of the nature aforesaid affecting such officer as is mentioned in the second Section of this Act shall appear in the course of any proceedings, whether preliminary or otherwise which shall come before or be reported to either of the Courts of Sudder Dewanny and Nizamut Adawlut, or any of the said Boards respectively, those authorities shall act upon such matter, or institute such enquiry upon oath or affirmation as aforesaid into the same as they shall deem proper for the purpose of such reference as aforesaid to the Governor of Bengal, or to the Lieutenant-Governor of the North Western Provinces, or to the authority exercising the powers of government in those provinces as aforesaid, although no charge or information be preferred as aforesaid: and in such cases it shall not be necessary, before acting upon or instituting any

enquiry concerning any matter so appearing in the course of proceedings, to require any oath or affirmation in regard to the truth of such matter.

IX. And it is hereby enacted, that if the Governor of Bengal, or the Lieutenant-Governor of the North Western Provinces, or the authority exercising the powers of government in those provinces as aforesaid, upon such reference as is mentioned in the second Section of this Act, shall concur with the authority by which it may be submitted, or if such Governor or Lieutenant-Governor, or authority exercising the powers of government, shall, from information of the description aforesaid that may be laid before him in respect to such officers as aforesaid not directly subject to the Courts or Boards above-named, deem it necessary to institute proceedings against any such officers, he shall appoint a commissioner or commissioners for making a regular and formal inquiry into the truth of the matters referred.

X. And it is hereby enacted, that on the appointment of every such commission, the said Governor, or Lieutenant-Governor, or authority exercising the powers of Government in the North Western Provinces, shall direct whether the commission shall be placed under the control of any of the authorities aforesaid, or shall act immediately under the authority of government, and all commissions appointed as aforesaid shall be guided by the instructions which they may receive in this behalf from the government to which they may be respectively subordinate.

XI. And it is hereby enacted, that the commissioner or commissioners appointed as aforesaid, before entering on the discharge of his or their duties, shall take the following oath :—

I, *A. B.*, Commissioner for the purpose of (here state the object of the commission, (, do solemnly swear that I will faithfully and impartially perform the duty committed to me without fear, favour or bias, to the best of my ability, knowledge and judgment; so help me God.

XII. And it is hereby enacted, that whenever a charge shall be referred for investigation to a special commission, the said Governor, or Lieutenant-Governor, or authority exercising the powers of government in the North Western Provinces, will determine whether the conduct of the prosecution shall be left to the accuser or be undertaken on the part of government. In the latter case, the said Governor, or Lieutenant-Governor, or authority exercising the powers of government in the North Western Provinces, will nominate such person or persons as may be deemed proper to conduct the prosecution on behalf of government.

XIII. And it is hereby enacted, that it shall be the duty of commissioners appointed under this regulation, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for

his reply to the accusation; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser or the accused; to receive any further written documents offered in support of, or against the accusation; and to call for and take any further requisite evidence which may be indicated by the witnesses adduced or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges, or of any part thereof.

XIV. And it is hereby enacted, that, for the discharge of the duties specified in the preceding section, or any other functions which may be delegated to a commission under this regulation, such commission shall be vested with the same powers as are exercised by the zillah and city Courts, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through the zillah or city Judge in whose jurisdiction the commission may be held, and executed by the zillah or city Judge in whose jurisdiction the witness or other person whom the process is to be served may reside.

XV. And it is hereby enacted, that, on the close of the evidence for the prosecution and defence, the accused shall be at liberty to record any observations upon the result of the inquiry which he may think necessary for the vindication of his conduct and character. The accuser, or the person appointed to conduct the prosecution on the part of government, shall also be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

XVI. And it is hereby enacted, that, as soon after the conclusion of the proceedings as circumstances shall permit, the commissioner or commissioners shall, when the commission shall be instructed to act immediately under the authority of government, submit directly to the government to which he or they may be subordinate, and in other cases to the controlling Court or Board, the proceedings under the commission, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and his or their opinion of the merits of the case.

XVII. And it is hereby provided, that it shall be lawful for the said Governor, Lieutenant-Governor, or authority exercising the powers of government in the North-Western Provinces, or the controlling Court or Board, upon consideration of the report of any such commission as aforesaid, to direct the commissioner or commissioner to take further evidence, or to give further explanation of his or their opinion or opinions connected with the case investigated, and the commissioner or commissioners are authorized and required to take such further evidence, and to give such further explanation.

XVIII. And it is hereby enacted, that the Sudder Dewanny and Nizamut Adawlut, or the Board to which any report of a commissioner or commissioners may

be submitted as aforesaid, after due consideration of the same, and after obtaining such further evidence or explanations as they may require, shall submit the whole of the proceedings and documents received by them to the Government to which they may be subordinate, together with their opinion whether any and what charges have been established against the accused.

XIX. And it is hereby provided, that, whenever a special commission may be appointed under the provisions of this Act, the said Governor, or Lieutenant-Governor, or authority exercising the powers of government in the North Western Provinces will determine, on a view of the nature and circumstances of the case, whether the accused officer shall be suspended from the discharge of the functions of his office; and if so, whether he shall be permitted to draw the established allowances of his office, or otherwise.

XX. And it is hereby provided, that the Governor, or Lieutenant-Governor, or authority exercising the powers of government in the North Western Provinces, on consideration of the report and proceedings submitted to him in pursuance of Sections XVI. and XVIII. of this Act, will pass such decision on the case as may appear to him most consonant to the principles of justice, and consistent with the powers possessed by Government in matters of this description; and, in the event of his deeming it necessary that the party accused should be brought to trial by a public prosecution before a competent court of law, will issue the necessary instructions for that purpose to the Law Officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any public officer will be at all times at liberty to seek redress according to the ordinary forms prescribed by law.

XXI. And it is hereby enacted, that nothing in this Act contained shall be construed to repeal the provisions respecting the dismissal and suspension of Principal and other Sudder Ameens contained in section XXVI. of Regulation V. of 1831, or the provisions respecting the dismissal of Deputy Collectors contained in section XXV. of Regulation IX. of 1833; provided always, that it shall be lawful for the Governor of Bengal, or the Lieutenant-Governor of the North Western Provinces, or the authority exercising the powers of government in these provinces respectively, upon any such reference as is mentioned in section XXVI. of Regulation V. of 1831, and section XXV. of Regulation IX. of 1833, at his discretion, to appoint a commissioner or commissioners for making such regular and formal inquiry touching imputations of official misconduct affecting any Principal or other Sudder Ameen, or any deputy collector, as he shall think fit, in manner as is directed by this Act, and subject to its provisions.

Act No. XXVIII. of 1839.

Passed by the Honorable the President of the Council of India in Council on the 16th December 1839.

An Act for the Regulation of Buildings in the Islands of Bombay and Colaba.

I. It is hereby enacted, that the first 12 articles of Rule, Ordinance, and Regulation III. of 1812, passed by the Governor of Bombay in Council, and the 18th, 25th, and all following articles of the same Rule, Ordinance, and Regulation, and the 1st, 2d, 5th, and 7th articles of Rule, Ordinance, and Regulation III. of 1815, passed by the said authority, be repealed.

II. And it is hereby enacted, that all persons intending to erect or rebuild any building within the islands of Bombay and Colaba which shall approach in any part within 25 feet of the edge or side of any public road, street, or other thoroughfare, or intending to alter any building within the said islands by extending the foundation thereof, so that any part of such foundation shall approach within the same distance of the edge or side of any such public place, shall, before commencing to do so, obtain from the Collector of land revenue in Bombay a certificate of the specific ground intended to be used, and from the Surveyor to the Court of Petty Sessions in Bombay an indorsement on such certificate, of the nature of the work which, consistently with the provisions of this Act and with public convenience, and according to the intention of the party, can and is proposed to be executed.

III. And it is hereby enacted, that, in all cases in which the surveyor to the said Court of Petty Sessions shall be satisfied that the intended building or alteration is in compliance with the provisions of this Act and that no part of the ground to be covered thereby is wanted for public purposes, he shall indorse the said certificate as above enacted, and in case any party shall feel aggrieved by the withholding of such indorsement, or by the terms or restrictions of any such indorsement, he shall be at liberty to bring the matter of his complaint before the said Court of Petty Sessions, whose decision thereon shall be final; Provided always, that no certificate, and no such indorsement thereof as aforesaid, and no decision of the said Court of Petty Sessions thereon, shall be construed as an adjudication upon, or as in any way affecting the right or title of any person to the ground or building referred to in such certificate and indorsement or any part thereof.

IV. And it is hereby enacted, that, should any person, having obtained a certificate and indorsement as aforesaid, find it desirable during the progress of the work to deviate from his original plan, he shall not be at liberty to do so without the sanction in writing of the said Surveyor to the Court of Petty Sessions to such proposed deviation, with liberty however to the party to appeal to the said court as provided in section III. of this Act.

V. And it is hereby enacted, that should the erection, rebuilding, or such alteration as aforesaid of any such building be commenced without such certificate and indorsement as above required, or contrary to the terms of any such certificate and indorsement, (such deviation not having been duly sanctioned as aforesaid,) every person offending herein shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 Rupees.

VI. And it is hereby enacted, that whoever shall alter any such certificate as aforesaid without the sanction of the Collector of the land revenue and of the Surveyor to the Court of Petty Sessions, or shall alter any indorsement thereon without the sanction of the Surveyor to the Court of Petty Sessions, shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 Rupees, or by imprisonment in the House of Correction for any time not exceeding four calendar months, with or without hard labour.

VII. And it is hereby enacted, that no building hereafter to be erected within the walls of the fort of Bombay shall be erected higher than 50 feet measured from the surface of the street to the extreme of the roof; Provided that light open balustrades or railings of any material not inflammable may be added round the outer edge of the roof for the purpose of guarding against accident, but such balustrades or railings are to have no roof or covering; and all persons offending herein, shall, on conviction before the said Court of Petty Sessions, be punishable by fine not exceeding 500 Rupees.

VIII. And it is hereby enacted, that no cudjans or other inflammable materials shall be made use of in the external roof or walls of any building within the fort walls of Bombay, nor in the external part of any building without the fort walls of Bombay, in any place or places within the islands aforesaid to be declared by the Governor of Bombay in Council, by proclamation in the Government Gazette, and that every person offending herein, shall on conviction before the said Court of Petty Sessions, be punishable by fine not exceeding 500 Rupees.

IX. And it is hereby enacted, that no building of any description shall be erected in the islands of Bombay or Colaba in such manner as shall destroy, injure, or prejudicially interfere with any of the watercourses or the drainage of the said islands, or either of them, and upon notice being given by the said Surveyor of the Court of Petty Sessions to the owner or other person under whose directions any work may be going on, that such work is injurious to and does or will interfere with any watercourse or the drainage of the said islands or either of them, such person shall immediately thereupon discontinue such work, and, if he feels aggrieved by such notice, shall bring the matter of his complaint before the said Court of Petty Sessions, whose opinion and adjudication thereon shall be final; and in case such person shall not, on receiving such notice as aforesaid, iscontinue the said work, he shall

be punishable on conviction before the said Court of Petty Sessions, by fine not exceeding Rupees 500.

X. And it is hereby enacted, that in case the said Court of Petty Sessions on any appeal to them under the last preceding Section, or upon special application of their surveyor, and after hearing the parties concerned, shall be of opinion that the work deemed objectionable by the said Surveyor will destroy or be injurious to, or prejudicially affect, any of the watercourses or the drainage of the said islands, or either of them, then the said Court shall make an order for the discontinuance and immediate removal of the said work, or of so much thereof as is objectionable: and in case the owner or other person conducting such work shall not obey such order, he shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding Rupees 500: and such work, or so much thereof as shall have been found to be objectionable, shall be forthwith taken down and removed by the Surveyor of the said Court, and the materials shall be sold and disposed of in the like manner as is hereinafter directed concerning the taking down of ruinous buildings.

XI. And it is hereby enacted, that, when any building within the islands of Bombay or Colaba shall be erected, rebuilt, or altered, in any manner contrary to the provisions of this Act, except as in the 9th section is mentioned, it shall be lawful for the Surveyor to the Court of Petty Sessions to give notice to the person or persons so offending forthwith to discontinue such work, and to pull down and clear away the same by a fixed day, and in the event of such work not being immediately discontinued, or of such order of removal not being complied with by the expiration of the time so fixed upon, the person or persons so disobeying such notice shall be punishable on conviction before the said Court of Petty Se sions by fine not exceeding Rupees 500; and the Surveyor to the Court of Petty Sessions shall have power to cause the work to be taken down and removed, and to sell and dispose of the materials thereof in the like manner as is hereinafter directed concerning the taking down of ruinous buildings; Provided always, that nothing herein contained shall prevent the person or persons to whom such notice shall be given appealing therefrom to the said Court of Petty Sessions, which Court shall have power to quash, alter or confirm the same, and to extend the time named therein, and to punish any frivolous appeal with double costs.

XII. And it is hereby enacted, that every person rebuilding any building of which any part is situated within 25 feet of the edge or side of any public road, street, or other thoroughfare within the islands aforesaid, shall be liable to be required, for the purpose of widening such road, street or other thoroughfare, to carry back his building so far and to give up so much of the site of the old

building, or of the compound in which the same was standing, or of the uninclosed ground, if any, lying in front of the old building and between the same and the road, as shall be specified in the indorsement to be made on the certificate of the Collector of land revenue under this Act, but such indorsement shall be subject in all cases to the revision and final decision of the said Court of Petty Sessions, in the event of an appeal thereto form the terms of the same, and the party so required shall be entitled to such compensation as is hereinafter provided.

XIII. And with the view of preventing fraudulent evasions as to the giving up of grouud under the last Section, it is hereby enacted, that every person rebuilding, repairing, altering, or in any way strengthening the foundation or lower part of any building within 25 feet of the edge of any public road or street within the islands aforesaid, and then within three years therefrom substantially rebuilding the remaining part of the said building upon the old foundation or lower part so rebuilt, repaired, altered or strengthened as aforesaid, shall be deemed to have rebuilt the entire building within the meaning of the last section.

XIV. And it is hereby enacted, that should any steps project into any public road, street, or other thoroughfare in front of any house, the space covered by such steps shall not be considered as part of the ground to be given up under this Act, but the ground to be given up shall be measured from the exterior of the building itself.

XV. And it is hereby enacted. that the Court of Petty Sessions, with the sanction of the Governor of Bombay in Council, shall at all times have power and authority to require any ground within the islands of Bombay or Colaba to be given up for the purpose of widening or altering any existing public road, street, or other thoroughfare, or drain, or for making any new public road, street, or other thoroughfare, ordrain.

XVI. And it is further enacted, that wherever ground required to be given up under any of the preceding clauses, or any building thereon, shall be, or be of the nature of, private property, or when being ground of the Honorable Company any substantial improvement shall have been made in the value thereof, the Surveyor to the Court of Petty Sessions shall cause an estimate to be made of such private interest, or of any such improvement, and the amount of such estimate, if duly sanctioned by the Honorable the Governor in Council, or such other sum as that authority shall sanction, shall be offered by the said Surveyor to the owner or other person in possession of the said ground or building, and if such offer be accepted, the amount thereof shall be paid to such owner or other person, whose receipt for the same shall be a sufficient release and discharge to the said Court of Petty Sessions, and thereupon the said Court of Petty Sessions shall become and be the legal owners of the said ground or building, for the purposes of this Act, and all and every person or persons interested in the premises shall be thenceforth to all intents and purposes

divested of all right, title, and interest of, in, or to the same; Provided always, that nothing herein contained or hereby authorized shall have the effect of deciding that the person to whom any money shall be paid as aforesaid is in law or equity the owner of any part of such money, and in case any conflicting claims shall be set up thereto before the same shall have been paid over, such sum shall be then dealt with in the manner provided in Section XXI. hereinafter contained.

XVII. And it is further enacted, that where such offer shall be made as aforesaid, and the person or persons to whom the same shall be made shall refuse to accept the same, as being less than the value of the said property or interests, then and in such case the Court of Petty Session shall cause the value of the property or interests, for which compensation is to be given, to be ascertained by a jury of 12 indifferent men resident on the island, to be summoned by the Sheriff in manner hereinafter mentioned, and the said Court of Petty Sessions is hereby empowered to call before the said jury by a written notice for that purpose to be given, and to examine upon oath all persons who shall be thought necessary and capable of giving evidence concerning the premises, and the said court shall cause the said Jury to view the property in question, and shall use all other lawful means as well for their own as for the said Jury's information on the premises, and after the said Jury shall have so settled the value of the said property or interest, such valuation so made shall be final and conclusive to all intents and purposes against all persons, and the amount thereof shall be paid as hereinafter mentioned.

XVIII. And it is hereby enacted, that for summoning and returning a Jury under the last preceding clause, the said Court of Petty Sessions shall have authority from time to time to issue their warrant to the said Sheriff of the Town of Bombay, thereby requiring him to summon and return an indifferent jury of 24 persons resident on the island of Bombay, to be selected from the Petit Jury list for the time being, to appear before the said Court of Petty Sessions at such time and place as in the said warrant shall be appointed, of which time and place all parties interested shall have 10 days' notice in writing to be given to the said parties personally or left at their usual place of abode; and the said Sheriff is hereby required to summon and return such 24 persons accordingly, and out of the persons so summoned and returned, or out of such of them as shall appear, the said Court shall cause to be sworn 12, who shall be the jury for the purpose aforesaid, and all persons concerned shall have their lawful challenges against any of the said jurymen when they come to be sworn; and the said Court acting in the premises shall have power to impose any reasonable forfeiture, not more than 200 Rupees, upon any person who shall be summoned and returned on such jury and shall not appear, or who shall refuse to be sworn on such jury, or in any manner wilfully neglect his duty therein contrary to the meaning of this Act, and also upon any person who, having been duly summoned to give evi-

dence touching any matter in question, shall refuse to appear, or appearing shall refuse to be examined or give evidence, which said forfeiture shall be and is hereby made payable to the Court of Petty Sessions for and on account of the county fund.

XIX. And it is hereby enacted, that the said Sheriff shall be allowed for every warrant to his bailiff for summoning every Jury 10 rupees and no more, and for every return of a Jury four rupees and no more, and for attending the Court of Petty Sessions on the impannelling every Jury 15 rupees and no more, and such fees and other expenses of and attending the assembling the said jury shall be borne and paid by the Court of Petty Sessions out of the county fund, if the valuation affixed by the said Jury shall exceed the original offer made under section XVI. of this Act, and by the other party if such valuation shall be equal to or less than the said offer, and in all cases where the said Court of Petty Sessions shall be entitled to receive any costs or expenses under this clause, the said Court shall be empowered to levy and raise the same in the same manner as if the same were a fine or other penalty.

XX. And it is further enacted, that, in all cases where money shall be paid to any person or persons as a compensation under this Act, the same shall be paid out of the country fund, and shall be subject to the same use or uses, and the same charges, liens, or incumbrances in all respects as the interests or property for which such compensation shall be paid were subject to at the time of the payment thereof.

XXI. And it is further enacted, that, in every case wherein conflicting claims are set up to any property or interest which the Court of Petty Sessions may require for carrying into execution the purposes of this Act, and for which under the provisions thereof any compensation shall be payable, such compensation shall be paid into the hands of the Accountant-General of the Supreme Court of Bombay, for the use and benefit of such persons as shall appear entitled thereto by any decree or judgment of the said Supreme Court, and the receipt of the said Accountant-General shall be a sufficient discharge to the Court of Petty Sessions, who shall, from the date thereof, become and be the legal owners of the said ground or building for which such money shall be so paid.

XXII. And it is hereby enacted, that the Surveyor to the said Court of Petty Sessions shall cause notice in writing to be given to the owner or occupier of any building or land within the islands aforesaid, from which any gallery, balcony, roof, weather frames, spout, gutter, or other thing shall in future be made, which shall overhang or jut into, or in any way project or encroach upon any public road, street, or other thoroughfare, that he do take down, remove, alter, or regulate the same in such manner as not to incommode the public; and in case such owner or occupier shall refuse or neglect so to do for the space of 15 days next after such notice shall have been given to him, the person or persons disobeying such notice shall be punish-

able, on conviction before the said Court of Petty Session, by fine not exceeding 500 Rupees; and the said Surveyor shall have power to cause the nuisance to be taken down and removed, and to sell and dispose of the materials thereof in like manner as is hereinafter directed concerning the taking down of ruinous buildings; Provided always, that nothing herein contained shall prevent the person or persons to whom such notice shall be given appealing therefrom to the said Court of Petty Sessions, which Court shall have power to quash, alter, to confirm the same, and to punish any frivolous appeal with double costs; Provided also, that tiled roofs or weather frames of at least 12 feet high above the surface of any public road, street, or other thoroughfare, may be projected to the extent of two feet above the same.

XXIII. And it is hereby provided, that it shall be lawful to the Surveyor to the Court of Petty Sessions, with the approbation of the said court, to give permission in writing to the owner or occupiers of buildings in public thoroughfares 25 feet in width and upwards, within the islands aforesaid, to project tiled roofs or weather frames from the upper stories of their houses to the extent of three feet beyond their foundation, or over any public road, street, or other thoroughfare, and to the occupiers of buildings in exposed situations facing between the south and west in streets of the above width to make such projection to the extent of five feet.

XXIV. And it is further enacted, that where any scaffolding shall be used in or near any public road, street, or other thoroughfare, in building, repairing, or altering any house or building within the islands aforesaid, it shall be lawful for the Surveyor to the said Court of Petty Sessions, if he shall think fit so to do, to give notice in writing to the owner or occupier of such house, or building, or other person directing the work, to cause such scaffolding to be masked or covered on the outside thereof, so as to prevent anything falling therefrom to the injury of persons passing below; and if the owner, occupier, or other person as aforesaid, shall neglect to obey such notice within a reasonable time after receiving the same, such offender shall be punishable, on conviction before the Court of Petty Sessions, by fine not exceeding 500 Rupees.

XXV. And it is further enacted, that the tiles of roofs within the said islands shall be properly secured, so as to prevent their falling to the injury of passengers on any public road, street, or other thoroughfare, and the owner or occupier of any house the tiles of which are not so secured shall, if he neglect to secure the same within one week after having received notice so to do from the said Surveyor to the Court of Petty Sessions, be punishable, on conviction before the said court, by fine not exceeding 500 Rupees.

XXVI. And it is hereby enacted that it shall be lawful for the Surveyor to the Court of Petty Sessions to give notice in writing to the owner or occupier of

any house or building within the islands aforesaid, from which water may fall on any public road or ground, to put up such gutters or channels for catching and conveying the water elsewhere as may be necessary, and on non-compliance with such notice within one week from the time of receiving the same, the offender shall be punishable before the said court of Petty Sessions by fine not exceeding 500 Rupees.

XXVII. And it ts hereby enacted, that when any building or any part thereof at or near any public road, street, or other thoroughfare in any part of the said islands, is in a ruinous condition, it shall be lawful for the said Surveyor to the Court of Petty Sessions to cause a sufficient boarding or protection to be put up for the safety of all passengers; and the said Surveyor shall cause notice in writing to be given to the occupier, if any, and if not shall cause a notice to be affixed to the door or other exposed part of such building, to repair or pull down the same within 14 days from the date of such notice, and if such occupier or the owner do not begin to repair or take down the same within such term of 14 days, and complete the same as soon as the case will admit, it shall be lawful for the Surveyor to the Court of Petty Sessions to cause such building, or so much thereof as may be ruinous, to be taken down and removed in such manner as shall be requisite, and to sell and dispose of the materials thereof, and by and out of the monies arising by the sale thereof, to reimburse himself and all persons by him employed for the purpose, all the charges of putting up such boarding, and of taking down and removing such building, and of selling the said materials as aforesaid; and the surplus of such monies, if any, shall be paid to the owner of such house or building upon personal demand thereof made by such owner, and, if no such demand be made, then to the Court of Petty Sessions, for the benefit of the person or persons entitled thereto, and if no demand shall be made to the said Court for the money so paid in before the expiration of 12 calendar months from the receipt thereof by the said Court, the same shall be added to and become part of the county fund.

XXVIII. And it is hereby enacted, that, whenever the money produced by any sale to be made by the Surveyor to the Court of Petty Sessions, under this Act, shall be deficient to cover the expenses of the said Surveyor, and the persons employed by him, then the said Court of Petty Sessions shall pay such deficiency to the said Surveyor out of the county fund, and shall have power to levy and raise the same by distress and sale of the goods and chattels of the offender, in the same manner in all respects as fines and penalties are levied by the said Court.

XXIX. And it is hereby enacted, that, in case any part of the land constituting the public streets or roads, or other thoroughfares of the said islands beyond the limits of the town of Bombay, shall become useless and unnecessary for the purpose of a public highway, it shall be lawful for the Governor of Bombay in Council to direct the Collector of land revenue of Bombay to take possession thereof for the use

of the Honourable Company, and the Collector of land revenue shall take possession thereof accordingly.

XXX. And it is hereby enacted, that every head builder, master carpenter, master mason, or laborer, who shall, in erecting, rebuilding or repairing, altering or adding to any building in Bombay or Colaba, knowingly offend against the provisions of this Act, shall be punishable, on conviction before the said Court of Petty Sessions, by fine not exceeding 500 Rupees.

XXXI. And it is hereby enacted, that the amount of all fines and penalties, and costs in the nature of fines and penalty, that may be incurred and payable under this Act, shall be levied by warrant under the hands and seals of two or more of the Magistrates in Petty Sessions, and when received shall be added to, and form part of, the county fund; and if on such distress, property belonging to such offenders sufficient to make good the penalty be not found, such offender shall be committed by the said Court to the House of Correction with or without hard labour at the discretion of the said Court, for any time not exceeding three months, unless the said penalty be sooner paid.

XXXII. And it is hereby enacted, that, where any distress shall be made for any sum or sums of money to be recovered by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect of form in any proceedings relating thereto, nor shall the party be deemed a trespasser *ab initio* on account of any irregularity afterwards done by the party making such distress, but the person or persons aggrieved by such irregularity may recover for the special damage only by action on the case, and not by any other action whatever.

XXXIII. And it is hereby enacted, that no plaintiff shall recover in any action for any such irregularity or other proceedings, if tender of sufficient amends be made by or on the behalf of the party or parties who committed or caused to be committed any such irregularity or wrongful proceeding, before such action be brought; and in case no such tender shall have been made, it shall and may be lawful for the defendant or defendants in any such action, by the leave of the Court where such action shall depend, at any time before issue joined, to pay into Court such sum of money as he or they shall see fit, whereupon such proceedings or order and judgment shall be had, made, or given in and by such Court as in other actions when the defendant is allowed to pay money into court.

XXXIV. And it is hereby enacted, that no action or suit shall be commenced against any person or persons for anything done in pursuance of this Act, until 21 days after notice in writing of an intention to bring such action or suit has been given to the person or persons against whom such action or suit shall be brought, nor after the expiration of three calendar months next after the fact committed; and the

defendant or defendants in every such action or suit may plead the general issue, and give this Act and any special matter in evidence at the trial, and that the matter or thing for which such action or suit is brought was done in pursuance and by the authority of this Act, and if the said matter or thing appear to have been so done, or if it shall appear that such action or suit was brought before the expiration of 21 days after such notice was given as aforesaid, or that sufficient satisfaction was made or tendered before such action was brought, or if any such action or suit be not commenced within the time herein for that purpose limited, then the Court, in every such action or suit, shall find for the defendant therein ; and if a verdict be found for the defendant, or if the plaintiff or plaintiffs in any such action or suit become nonsuited or discontinue or suffer a discontinuance of any such action or suit, or if in any such action or suit judgment be given for the defendant therein on demurrer or by default, or otherwise, then and in any of the cases aforesaid, the defendant shall have judgment to recover treble costs of suit, and shall have such remedy for recovering the same as any defendant or defendants may have by law for costs in other cases.

ACT No. I. OF 1840.

Passed by the Honorable the President of the Council of India in Council on the 27th January 1840.

AN ACT for regulating the procedure on Trials referred to the Court of Foujdaree Adawlut at Madras.

I. Whereas the dispensing with a futwa, in cases referred to the Court of Foujdaree Adawlut at Madras, will be attended with great convenience; and the futwa may be dispensed with in that Court, without altering or impairing the authority of the Mahometan law; it is therefore hereby enacted, that, in trials referred to the said Court of Foujdaree Adawlut at Madras, that Court shall not be required to take a futwa from their law officer: Provided always, that nothing in this Act contained shall authorize the said Court to dispense with the Mahometan law in any case which, before the passing of this Act, would have been determinable according to that law by the said Court.

ACT No. II. OF 1840.

Passed by the Honorable the President of the Council of India in Council on the 10th February 1840.

AN ACT for regulating the Execution of Sentences of Imprisonment passed by Courts Martial in certain cases.

I. It is hereby declared and enacted, that whenever under Act No. XXIII. of 1839, any sentence of a Court Martial shall adjudge imprisonment, or imprison-

ment with labor, for any offence, it shall be the duty of every Judge, Magistrate, Sheriff or other officer in charge of any gaol, to give effect to such sentence on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer Commanding the division, garrison, regiment or detachment, as the case may be, to which the offender belongs.

Act No. III. of 1840.

Passed by the Right Honorable the Governor General of India in Council on the 17th February 1840.

XXXI. And it is hereby enacted, that the said Bank of Bombay may issue promissory notes, payable either on demand, or at a date not exceeding 30 days after sight, which notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf: Provided always, that the total amount of such notes in circulation at any one time shall not exceed two crores of Rupees: and provided also, that no such note shall be for a smaller amount than 10 Rupees.

Act No. IV. of 1840.

Passed by the Right Honorable the Governor-General of India in Council on the 17th February 1840.

An Act for preventing Affrays concerning the Possession of Land, and for providing relief in cases of Forcible Dispossession, within the Presidency of Fort William in Bengal.

I. Whereas it is expedient to remove doubts which have arisen upon the interpretation of Regulation XV. of 1824, and to amend the law for preventing affrays concerning the possession of land, and for giving relief in cases of forcible dispossession, and to extend it to cases not hitherto provided for, and to make it applicable to persons of every class or description, whether British-born subjects or others:

It is hereby enacted, that Regulation XLIX. of 1739; Regulation XIV. of 1795; Regulation XXXII. of 1803; Section V., Regulation VI. of 1813; Regulation XV. of 1824; and Regulation II. of 1829, of the Bengal Code, together with so much of any Regulations as extends any of the above Regulations or parts of Regulations to any places within the Presidency of Fort Willlam in Bengal, be repealed.

II. And it is hereby enacted, that whenever any Magistrate, or other officer exercising the powers of a Magistrate, may be certified that a dispute likely to induce

a breach of the peace exists concerning any land, premises, water, fisheries, crops, or other produce of land within the limits of his jurisdiction, he shall record a proceeding, stating the grounds of his being so certified, and shall call on all parties concerned in such dispute (whether proprietors, dependent talookdars, farmers, under-farmers, ryots or other persons) to attend his court in person, or by agent, within a reasonable time, and to give in a written statement of their respective claims as respects the fact of actual possession of the subject of dispute; and the Magistrate or other officer as aforesaid shall, without reference to the merits of the claims of any party to the right of possession, proceed to inquire what party was in possession of the subject of dispute when the dispute arose, and, after satisfying himself upon that point, shall record a proceeding, declaring the party whom he may decide to have been in such possession to be entitled to retain possession until ousted by due course of law, and forbidding all disturbance of possession until such time; and, if necessary, the Magistrate, or other officer as aforesaid, shall put such party into possession, and maintain him in possession, until the rights of the parties disputing be determined by a competent Court.

III. And it is hereby enacted, that if the Magistrate, or other officer as aforesaid, shall, in the cases mentioned in Section II. of this Act, be unable to satisfy himself as to what party was in possession of the subject of dispute when the dispute arose, he may attach the subject of dispute until the rights of the parties be determined by a competent Court, giving the Collector information of the attachment; and if the subject of dispute be land, the provisions of Regulation V. of 1827 regarding attachment by order of a zillah or city Court shall apply to attachments by order of a Magistrate, or other officer as aforesaid, made under this Section.

IV. And it is hereby enacted, that if any party shall complain to a Magistrate, or other officer as aforesaid, that he has been, without authority of law, forcibly dispossessed of any land, premises, water, fisheries, crops or other produce of land, within the jurisdiction of such Magistrate, or other officer as aforesaid, whether the same were possessed by such party as proprietor, dependent talookdar, farmer, under-farmer, ryot or otherwise, the Magistrate, or other officer as aforesaid, shall require the party or parties complained against, and any other parties concerned, to appear and make defence in person, or by agent, within a reasonable time; and if, after the examination of the necessary witnesses and documents, the complaint appears to him to be substantiated, he shall record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession until the right to possession be determined by a competent Court: Provided, that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession.

V. And it is hereby enacted, that if, in cases instituted under this Act, the subject of dispute be newly-formed land, whereof it shall appear to the Magistrate, or other officer as aforesaid, that no party has ever had possession, the Magistrate, or other officer as aforesaid, shall award possessing to the party to whom the right of possession belongs according to law or custom, and shall maintain that party in possession until the right to possession be determined by a competent Court.

VI. And it is hereby enacted, that, if a dispute arises concerning the right of use of any land or water, the Magistrate, or other officer as aforesaid, within whose jurisdiction the subject of dispute lies, may inquire into the matter, and if it shall appear to him that the subject of dispute was open to the use of the public, or of any person, or of any class of persons, the said Magistrate or other officer may order that possession thereof shall not be taken or retained by any party to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the party claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession: Provided, that the Magistrate, or other officer as aforesaid, shall not pass any such order as aforesaid, if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right shall have been ordinarily exercised within three months from the date of the institution of the inquiry, or in cases where the right of use exists at particular seasons, unless such right has been exercised without discontinuance before the dispossession of which complaint is made.

VII. And it is hereby enacted, that any person opposing by force the execution of an order for possession or use, given under this Act, or refusing obedience thereto, or knowingly contravening the same, as long as it shall remain in legal force, shall, together with all persons aiding and abetting, be liable, on conviction before a Magistrate, or other officer with the powers of a Magistrate, to be sentenced to simple imprisonment for a term not exceeding six months, or to fine not exceeding 200 Rupees, commutable if not paid to a period of simple imprisonment not exceeding six months, or to both imprisonment and fine as aforesaid.

VIII. And it is hereby enacted, that all orders passed under this Act shall be appealable in the usual manner, under the Regulations and laws that are or may be in force relating to appeals from the orders of Magistrates, or other officers exercising the powers of Magistrates.

IX. And it is hereby enacted, that in cases instituted under this Act, the Magistrate, or other officer as aforesaid, is authorized, with the consent of all the parties, to refer the matter in dispute, so far as it is cognizable under this Act, to an arbitrator or arbitrators for decision, whose award shall be executed as if it were the award of such Magistrate, or other officer as aforesaid.

X. And it is hereby provided, that nothing in this Act contained shall affect the legal exercise of any right of attachment or seizure vested by law in any parties.

XI. And it is hereby further provided, that this Act shall not extend to any place beyond the limits of the Presidency of Fort William in Bengal, or to the settlements of Prince of Wales' Island, Singapore or Malacca, or to any place situated within the local limits of the jurisdiction of Her Majesty's Supreme Court at Calcutta.

Act No. V. of 1840.

Passed by the Right Honourable the Governor-General of India in Council on the 24th of February 1840.

II. And it is hereby enacted, that if any person making such affirmation as aforesaid shall wilfully and falsely state any matter or thing, which, if the same had been sworn before tho passing of this Act, would have amounted to perjury, every such offender shall be subject in all Courts to the same punishment to which persons convicted of perjury were subject before the passing of this Act.

III. And it is hereby enacted, that any person causing or procuring another to commit the offence defined in the 2d section of this Act shall be subject in all Courts to the same punishment to which persons convicted of subornation of perjury were subject before the passing of this Act.

Act No. XI. of 1840.

Passed by the Right Honorable the Governor General of India in Council on the 20th April 1840.

II. And it is hereby enacted, in modification of Clause 1, Section VII. Regulation XIV. of 1829, of the Bombay Code, that wherever under the Laws in force under that Presidency, a Prisoner may be sentenced to imprisonment with labor, it shall be lawful for the Court pronouncing such sentence to direct that solitary confinement be combined with the punishment of imprisonment with labor.

III. And it is hereby provided, that nothing in this Act contained shall be construed to be applicable to Convicts undergoing the punishment of transportation, or to legal restraint or punishment for breaches of prison discipline.

Act No XII. of 1840.

Passed by the Right Honorable the Governor General of India in Council on the 8th June 1840.

An Act for extending Act XII. of 1839, (relating to the assessment of dwelling houses and buildings within and beyond the limits of the Towns of George Town, Singapore and Malacca) to grounds not covered with houses or buildings.

I. It is hereby enacted, that from the 1st day of January, in the year of our Lord 1841, an assessment shall be levied on all lands not covered with houses or buildings within the limits of the Towns of George Town, Singapore and Malacca, according to the real annual values thereof at a rate not exceeding ten per cent. of such annual values.

II. And it is hereby enacted, that from the day aforesaid an assessment shall be levied on all property of the nature described in the foregoing Section, but which shall be situated beyond the limits of the aforesaid Towns, at a rate not exceeding five per cent. on the annual rent or value thereof.

III. And it is hereby enacted and provided, that any property which would be subject to assessment as aforesaid, of which the real annual value shall be less than ten Spanish Dollars, shall be exempted from such assessment, if it be the sole assessable property of the owner.

IV. And it is hereby enacted, that all the provisions of Act No. XII. of 1839, applicable to the assessment of houses and buildings shall be applied to the assessment of grounds not covered by houses or buildings, and which are subjected to assessment by this Act

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Act No. XVIII. of 1840.

Passed by the Right Honorable the Governor General of India in Council on the 10th August 1840.

To regulate the granting and withholding Licenses for the Sale of Liquors within the Islands of Bombay and Colaba.

I. It is hereby enacted, that all powers and duties now vested by law in Her Majesty's Justices of the Peace in Bombay with respect to granting and withholding licences for the sale of arrack, toddy and other spirituous and fermented liquors, within the Islands of Bombay and Colaba, shall from and after the passing of this Act be vested in and discharged by the Collector of land revenue, and the senior Magistrate of police in Bombay jointly; but the said Justices, at quarter sessions assembled, shall

have power in their discretion to quash such licenses or to withdraw the same on the breach of any of the conditions thereof.

II. And it is hereby enacted, that the Honorable the Governor in Council shall have authority at all times, to regulate the form of licenses to be granted for the sale of arrack and other liquors aforesaid in Bombay, and to vary and add to the terms and conditions thereof.

III. And it is further enacted, that nothing herein contained shall have the effect of repealing or altering any laws now in force touching the sale of spirituous liquors in Bombay or Colaba otherwise than as such laws are hereby repealed or altered.

ACT No. XIX. OF 1840.

Passed by the Right Honorable the Governor-General of India in Council on the 14th September 1840.

ACT for amending the Procedure in Cases of Appeals made *in formâ pauperis*, within the Presidency of Fort William in Bengal.

It is hereby enacted, that the proviso contained in Clause 1, Section V., Regulation XXVIII. 1814, of the Bengal Code, in regard to females of rank, shall be applicable, at the discretion of the Courts of Sudder Dewanny Adawlut of the Presidency of Fort William in Bengal respectively, to any party desirous of appealing *in formâ pauperis* to either of those courts.

ACT No. XX. OF 1840.

Passed by the Right Honorable the Governor-General of India in Council on the 19th October 1840.

AN ACT for declaring the law touching the Liability of Auction Purchasers of permanently assessed Estates under Section XXI., Regulation XI. of 1862, of the Bengal Code.

I. Whereas doubts have arisen whether the liability of auction-purchasers, under the provisions of Section XXI, Regulation XI. of 1822, Bengal Code; to make good the difference between the sums bid at first and second sale of lands sold for the realization of arrears of revenue, has been affected by the provisions of Section VII., Regulation VII. of 1830 of the same code:

It is hereby declared and enacted, that the said liability provided for and imposed by Section XXI., Regulation XI. of 1822 aforesaid, has in nowise been altered

or affected by Section VII., Regulation VII. of 1830 aforesaid, and that such liability shall be considered in full force and virtue, as if such last-mentioned Regulation had not been passed.

Act No. XXI. of 1840.

Passed by the Right Honorable the Governor-General of India in Council on the 19th of October 1840.

An Act concerning Suits instituted under the Provisions of Regulation XLIX. of 1793 prior to and pending at the date of the Enactment of Act IV. of 1840.

It is hereby enacted, that Act IV. of 1840 shall not affect the trial of suits under Regulation XLIX. 1793, which were pending originally or in appeal at the time of the passing of that Act, and that all such suits shall be tried and decided in the same manner as if Act IV. of 1840 had not been passed.

Act No. XXII. of 1840.

Passed by the Right Honorable the Governor-General of India in Council on the 23d November 1840.

An Act for the punishment of Vagrants within the Towns of Calcutta and of Madras, and the Islands of Bombay and Colaba, extorting Alms by offensive and disgusting exhibitions and practices.

I. Whereas great inconvenience is experienced in the towns of Calcutta and of Madras, and in the Islands of Bombay and Colaba, from mendicants who endeavour to extort alms by offensive and disgusting exhibitions and practices:

It is hereby enacted, that persons within the towns of Calcutta or of Madras, or within the Islands of Bombay and Colaba, who shall seek to extort alms by offensively exhibiting any bodily ailment or deformity, or by any offensive or indecent practices, or by inflicting, or threatening to inflict, bodily injury on themselves, shall be liable, on conviction before any Justice of the Peace, to imprisonment, with or without labor, for a term not exceeding one calendar month.

II. And it is hereby enacted, that all persons guilty a second time of any of the above offences shall be liable, on conviction before a Justice of the Peace, to imprisonment with hard labor for a term not exceeding twice the period assigned for the first offence, and for the same term upon any subsequent conviction.

III. And it is hereby enacted, that persons guilty of any of the offences above mentioned who shall violently resist any peace officer attempting to apprehend them, shall be liable, on conviction before a Justice of the Peace. to imprisonment with or without hard labor for a term not exceeding three calendar months.

IV. And it is hereby enacted, that it shall be lawful for the Governor-General in Council, from time to time, by notice in the Gazette, to extend the provisions of this Act to any towns or districts besides the places specified in this Act.

ACT No. XXIV. OF 1840.

Passed by the Right Honorable the Governor-General of India in Council on the 7th December 1840.

For amending the Law with respect to Rates for municipal purposes within the Town of Calcutta.

I. WHEREAS it is expedient to specify the particular purposes to which rates assessed on houses, buildings and grounds in Calcutta, shall be applied; and to abolish the practice which has hitherto prevailed of levying five per cent. on the annual value of all houses, buildings and grounds, without reference to the amount necessary for accomplishing the purposes of the rates; such per-centage being inadequate for the purposes to which the rates have hitherto been deemed applicable: and whereas it is expedient to make the per-centage leviable by quarterly rates an the annual value of property to depend entirely on the expenditure necessary for accomplishing in an efficient manner the purposes to which the rates shall henceforth be applicable, and providing for all incidental expenses and casual deficiencies or defaults: and whereas it is expedient to subject the collection and administration of the funds raised for municipal purposes in the various districts of the town to the management of the rate-payers themselves within such districts respectively, whenever they are desirous of undertaking the same, and are willing to enter into proper arrangements for the purpose: and whereas it is expedient to modify the provisions of the Statute 33 Geo. 3. c. 52, in regard to assessments for the town of Calcutta, in order for the better collection of the same, reserving all the authority of such statute in matters not inconsistent with this Act:

It is hereby enacted, that the assessments which, by the Statute 33 Geo. 3, c. 52, are authorized to be made for the town of Calcutta, shall be applicable to the following purposes only; viz., lighting and watering the roads and streets, and cleansing and repairing the same, and the drains of the said town.

II. And it is hereby enacted, that the assessments and rates made under the authority of the said statutes shall be sufficient for accomplishing, in an efficient manner, the purpose mentioned in the last section, for discharging all incidental expenses, and for making up deficiencies and defaults of every kind whatsoever: Provided always, that no rate shall be made exceeding the amount of five per cent. on the assessed value of property, without the sanction of the Governor of Fort William in Bengal.

III. And it is hereby enacted, that, for the encouragement of the control and supervision of the assessment and collection of the rates and the management thereof within particular divisions being undertaken by the rate-payers themselves, the Justices at their quarter sessions shall publish quarterly the particulars of all sums laid out, and of all the expenses of collection and deficiencies during the preceding quarter within the following divisions of the town, or such other divisions as the Governor of Fort William in Bengal may from time to time direct, so long as the assessment, collection or management of the rates for such divisions shall remain under their jurisdiction; viz., the First or Upper North division, bounded as follows:

North, by the Mahratta Ditch.
South, by the Mutchooa Bazar-road and Cotton-street to Meerbhur's Ghaut.
East, by the Circular-road.
West, by the River Hooghly.

Second or Lower North Division, bounded as follows:

North, by Mutchooa Bazar-road and Cotton-street to Meerbhur's Ghaut.
South, by the Boitakhanna and Bow Bazar-road and Hare-street to Police Ghaut.
East, by the Circular-road.
West, by the River Hooghly.

Third or Upper South Division, bounded as follows:

North, Boitakhanna, Bow Bazar-road and Hare-street to Police Ghaut.
South, Durrumtollah-street and Esplanade-row to Chandpaul Ghaut.
East, Circular-road.
West, River Hooghly.

Fourth or Lower South Division, bounded as follows:

North, by the Durrumtollah-street and Esplanade-row, to Chandpaul Ghaut.
South, by the Lower Circular-road to Kidderpore-bridge and Tolly's Nullah to River Hooghly, including the Fort and Cooly Bazar.
East, by the Circular-road.
West, by the River Hooghly.

IV. And it is hereby enacted, that whenever two-thirds in number and value of the rate-payers of any of such respective divisions shall apply to the Governor of Fort William in Bengal to undertake themselves the assessment, collection and management of the rates of such division, or any or either of these trusts, it shall be lawful for the Governor of Fort William in Bengal to authorize the same accordingly at his discretion: Provided always, that such majority of rate-payers shall present a scheme which shall obtain his full approbation for the safe and efficient execution of the trusts, the transfer of which from the present authorities is sought for: Provided always, that in any such arrangement, the amount to be levied in any particular

division shall not be considered as necessarily limited by the amount expended within such division, but shall be adjusted by the Governor of Fort William in Bengal upon reference to all local circumstances.

V. And it is hereby enacted. that for the better assessment and collection of rates under this Act, it shall be lawful for the Governor of Fort William in Bengal to appoint such assessor or assessors, collector, or collectors, and to make such union of the offices of assessor and collector, and to prescribe such rules and take such securities for the due execution of this Act by the person or persons employed in assessments and collections and in the management of the rates collected, as he shall deem expedient.

VI. And it is hereby enacted, that it shall not be necessary in any assessment, rate or warrant of distress under this Act to specify the names of the owners or occupiers of houses, buildings and grounds; but it shall be sufficient if every property rated be identified, and in the case of houses numbered in any street, that the name of the street and number of the house rated be particularly specified.

VII. And it is hereby enacted, that the goods and chattels of the owner of any property rated shall be seizable any where (except where property is concealed as hereinafter mentioned] for deficiency in the payment of rates; and that all property which shall be found upon any premises rated shall be seizable for any arrears which may be due for a period of one year immediately preceding such seizure; and in the case of the seizure of the property of a tenant under such circumstances, he may deduct the amount of the levy from the next payment of his rent.

VIII. And it is hereby enacted, that where there is ground to suspect that property liable to distress under this Act is concealed in any zenana, the officer charged with the execution of the warrant shall make a special report to the Justice granting the same, who shall thereupon follow, as closly as is practicable, the rules for the seizure of property in like cases adopted by Her Majesty's Supreme Court.

ACT No. XXV. OF 1840.

Passed by the Right Honorable the Governor General of India in Council on the 28th December 1840.

For the better Protection of the Abkaree Revenue within the Presidency of Fort William in Bengal.

I. WHEREAS it has been found necessary, with a view to make better provision for the protection of the Abkaree revenue than is afforded by the existing system of management, to place the superintendence of certain districts in a separate Commissioner, acting under the direction and control of the Board of Customs, Salt and

Opium: and whereas it is required to make provision by law for the extension and improvement of this system of management within the Presidency of Fort William in Bengal:

It is hereby enacted, that whenever a Commissioner or Commissioners shall be appointed by the Governor of Bengal, or by the Governor or Lieutenant-Governor of the North-Westhern Provinces, with the sanction of the Government of India, for the superintendence of the Abkaree revenue, such Commissioner or Commissioners shall exercise, within such districts as may be assigned and prescribed from time to time by the said Governors or Lieutenant-Governor, the powers, authority and jurisdiction vested by the Regulations and Acts of the Government in Commissioners of the land Revenue in all matters appertaining to the Abkaree reveuue.

II. And it is hereby enacted, that within the districts so assigned to such Commissioner or Commissioners the Governor of Bengal or Governor or Lieutenant-Governor of the North-Western Provinces may appoint any duly-qualified persons, not being of the description specially provided for in Section XXXI., Regulation X. 1813 to be superintendents of the Abkaree revenue, and to vest them with the charge and management of the Abkaree revenue under the orders of the said Commissioner, within such local limits as to him may seem fit, and the person so appointed shall exercise all the powers of collectors in regard to this revenue, excepting the adjudication of cases of contravention of the laws relating to Abkaree.

III. And it is hereby enacted, that it shall be competent for the Governor of Bengal to vest any person appointed under the foregoing clause to the charge and Superintendence of the Abkaree revenue, with the power of adjudicating cases of contravention of the Abkaree laws, in addition to the power attaching to the office of superintendent of Abkaree revenue in the district or districts assigned to him: provided, that no such superintendent, when so vested with the powers of adjudication, shall sentence any person to a fine exceeding 200 Rupees, whether commutable or otherwise, or to imprisonment for a term exceeding three months, except for a second offence under Section XVII. of this Act.

IV. And it is hereby enacted, that the warrant of any officer authorized or especially appointed to adjudicate cases of contravention of the Abkaree laws, certifying the conviction of any individual, with a specification of the offence proved and penalty adjudged, shall be authority for the levying of any fine imposed, as therein specified, and for the detention of the person therein described in the civil gaol of the district as may be therein prescribed: Provided always, that it shall be competent to the Commissioner, upon appeal by the parties concerned, or of his own motion, to call for the papers and revise the proceedings in any case decided by such Superintendent, and to alter or reverse the judgment passed thereon; and a like power shall be pos-

sessed and exercised by the Board of Customs, Salt and Opium, or by any other Board possessing like authority, whenever they think proper.

V. And it is hereby enacted, that any officer employed in the Abkaree department above the rank of jemadar of peons, who shall receive information that any person without a license is engaged in the manufacture of fermented or spirituous liquors, or in the preparation of intoxicating drugs, or has on his premises fermented or spirituous liquors or intoxicating drugs in such quantity as may render such person liable to the suspicion of secretly and illicitly trafficking in such articles, shall and is hereby authorized and required to take the deposition of the informer in writing; and if the information so given shall appear credible, so as to justify such proceeding, it shall further be competent to such officer to enter and search such premises as may be declared by the informer to contain the illicit articles specified in his deposition, and to seize all illicit stills and materials of the kind used in manufacturing liquors and preparing drugs, as well as all fermented or spirituous liquors or intoxicating drugs, and to arrest the owner or occupant of the premises together with all parties concerned in the transaction who may be found on the premises.

VI. And it is hereby enacted, that, except in cases already provided for by Section XVIII. Regulation VII. of 1824, if any person or persons shall by threats or violence prevent the lawful arrest of any person by an officer duly authorized to seize illicit stills, fermented or spirituous liquors or intoxicating drugs, and materials for the manufacture of the same, or shall procure by unlawful means his release after arrest, or shall obstruct any officer duly authorized in making search for or seizure of any of the above-mentioned illicit articles, or shall rescue such articles after seizure, or if the party found with any such illicit articles in possession, or any other person or persons shall resist such officer in the execution of a legal process, such person or persons shall severally and respectively be liable, on conviction before a Magistrate, to be sentenced for the same to pay a fine not exceeding 500 Rupees, commutable, if not paid, to imprisonment for a term not exceeding six months: Provided, that such person or persons shall be further liable, in the event of an affray or breach of the peace occurring in consequence of his or their resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed in the general rules applicable to cases of affray and breach of the peace, in addition to the penalties above prescribed for the resistance of process.

VII. And it is hereby enacted, in modification of Clause 6, Section XXII. Regulation X. of 1813 of the Bengal Code, that if any person shall wilfully and maliciously give false information in respect to there being an illicit still or illicit stills, or fermented or spirituous liquors or intoxicating drugs, or materials prepared for the manufacture of spirituous liquors and drugs, in any premises, and so procure

that such premises shall be searched to the injury and vexation of the owners thereof, or of any other person or persons whatsoever, such false informer shall, besides being subject to any other penalties or damages to which he would be subject under the general law, be liable to imprisonment with or without labor for a term not exceeding two years, and to fine not exceeding 500 Rupees, commutable to a further term of imprisonment for six months, if not paid.

VIII. And it is hereby enacted, that, whenever any officer of the Abkaree department, duly authorized under Section V. of this Act, shall arrest any person charged with an infraction of the laws for the protection of the Abkaree revenue, or shall seize any still, or fermented or spirituous liquors or intoxicating drugs, or enter any premises for the purpose of searching for such illicit articles, he shall make a full report of all the particulars of such arrest or seizure or search to his official superior within 24 hours after the transaction has occurred.

IX. And it is hereby enacted, that, whenever any person may be arrested by an officer employed in the Abkaree department, or by any other officer of other departments, duly empowered to make seizure of illicit stills or spirituous liquors or intoxicating drugs, or materials prepared for the purpose of manufacturing spirituous liquors or intoxicating drugs, the person making the arrest shall be bound to carry the party arrested with all convenient despatch to the officer of the department who may be competent to try the case; and no person so arrested shall be released, until the case shall have been brought to judgment in the manner provided by law.

X. And it is hereby enacted, that any officer who shall neglect to report all the particulars of an arrest, seizure or search within 24 hours after the transaction has occurred, or who shall delay carrying the person arrested to the proper officer with all convenient despatch, or who shall release or connive at the escape of the person arrested, shall be liable, on conviction, to dismissal from his situation, and to pay a fine not exceeding 200 Rupees, and to imprisonment for a term not exceeding three months, and in case of non-payment of the fine, to further imprisonment not exceeding three months; and the sentence shall be adjudged by any officer competent to adjudicate cases of contravention of the Abkaree laws.

XI. And it is hereby enacted, that it shall be lawful for any officer employed in the Abkaree department to enter and inspect at any time, by day or by night, the shop or premises in which any licensed Abkar shall carry on the sale or manufacture of fermented or spirituous liquors, or intoxicating drugs or liquors, in order to satisfy himself that nothing is going on in contravention of the Abkaree laws, or of the conditions of the license.

XII. And it is hereby enacted, that, if any officer of the Abkaree department be convicted before the Magistrate of any district of having vexatiously and

unnecessarily seized the goods of any person on the pretence of seizing or searching for illicit stills, spirituous liquors, intoxicating drugs, or the materials for manufacturing the same, or of having vexatiously and unnecessarily arrested any person, or of committing any other excess not required for the execution of his duty, every such officer shall, besides dismissal, be punished with imprisonment not exceeding six months, and with fine not exceeding 200 Rupees, commutable if not paid, to a further imprisonment not exceeding six months.

XIII. And it is hereby enacted, that, whenever in this Act or in any other law the terms "officers employed in the Abkaree Department" are used, they shall be deemed and construed to apply to such officers as receive salary from and are appointed by the persons in charge of the Abkaree Department in the district, or such officers as the Commissioner of the Abkaree Revenue may by special delegation or appointment empower to act in relation to this branch of the revenue.

XIV. And it is hereby enacted, that every person, holding a license for the manufacture or sale of fermented or spirituous liquors or intoxicating drugs, shall preserve such license at the shop or premises specified in the body of the license, and shall exhibit the license on the demand of any Abkaree Officer who shall desire to inspect the same; and any such licensed manufacturer or vender, who shall refuse or be unable to produce his license on the demand of any Abkaree Officer, shall be liable, on conviction before a Magistrate, to a fine not exceeding 200 Rupees or to imprisonment for a term not exceeding three months, and in case of non-payment of the fine, to further imprisonment not exceeding a like term.

XV. And it is hereby enacted, that one moiety of all fines realized from persons convicted of the illicit possession or manufacture or sale of fermented or spirituous liquors or intoxicating drugs, excepting Opium, and of the proceeds from sale of articles confiscated, shall upon adjudication of the case be awarded to the officer or officers who may have apprehended the offender or seized the illicit articles, and the other half shall be given to the informer, as provided in Clause 8, Section XXII., Regulation X. of 1813; and if no fine be realized, the Commissioner may recommend, through the Board of Customs, Salt and Opium, such reasonable reward not exceeding the sum of 200 Rupees in each case, as may appear to him fit: Provided, however, that it shall be competent to the Board of Customs, Salt and Opium, to prescribe by general order what classes of officers of the department shall receive reward, and what classes shall have no title to participate therein.

XVI. And it is hereby enacted, that any officer employed in the Abkaree department who shall be convicted of conniving at the manufacture or sale of fermented or spirituous liquors without license, or by any licensed manufacturer or vender contrary to the terms of such license, shall be liable to the same penalties that

would be incurred by the offender at whose act in contravention of the law he so connived.

XVII. And it is hereby enacted, that, whenever any person shall be convicted of an infraction of the laws for protection of the Abkaree Revenue, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Dewanny gaol for a period of six months; and a like punishment of six months' imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second; and the warrant of the officer adjudicating any case under the provisions of this section shall be authority for the Judge or other officer in charge of the Dewanny Gaol to hold the person described therein in confinement in such Gaol, and for such time as may be specified and required in the said warrant.

Act No. II. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 10th of May 1841.

An Act for regulating the Sale of Ganja and Bhang within the Presidency of Bombay.

I. It is hereby enacted, that any person who shall sell by retail ganja or bhang, within the territories subject to the Presidency of Bombay, without having obtained a license from the Collector of land Revenue, in the manner hereinafter provided, shall be punishable by fine, not exceeding 30 Rupees, or by imprisonment for one month.

II. And it is hereby enacted, that the Collector of land revenue in each zillah shall grant to all persons applying for them, licenses in the form of appendix (A.), to be in force for one year, and shall charge for the same a fee of such amount as the Governor of Bombay in Council shall from time to time determine.

Appendix [A.]

Form of License to Retail Bhang or Ganja.

I, *A. B.*, Collector of , hereby license *C. D.*, by caste inhabitant of , to sell by retail ganja and bhang within the village (town or district) of , for one year from the date hereof.

(Signed) *A. B.*, Collector.

Collector's Office, day of

Act No. III. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 10th May 1841.

An Act for the Trial of Prisoners charged with the commission of certain Offences within the Islands of Bombay and Colaba., and the Harbour of Bombay.

I. Whereas it is expedient to extend the jurisdiction conferred upon the Court of Petty Sessions in Bombay by Rule, Ordinance and Regulation II. of 1827, Article I, Title IV., and to give the power of summary conviction to single Magistrates of Police in certain cases; It is hereby enacted, that all persons charged with the commission of simple larceny, or with receiving goods or property knowing the same to have been stolen within the Islands of Bombay and Colaba and the Harbour of Bombay, may be tried summarily by the Court of Petty Sessions in Bombay, provided the value of the property the prisoner is charged with having stolen or received as aforesaid, does not, according to the belief of the said court, exceed 20 Rupees.

II. And it is hereby enacted, that the said Court of Petty Sessions shall not have power to sentence any such person to be imprisoned with or without hard labour for a longer period than 12 calendar months, or to be transported.

III. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions, when any person is charged before them with either of the offences aforesaid, at its discretion, instead of trying such person, to commit for trial before Her Majesty's Supreme Court of Justice in Bombay.

IV. And it is hereby enacted, that it shall be lawful for a single Magistrate of Police in Bombay to exercise the power of summary conviction in all cases described in the following Rules, Ordinances, and Regulations, provided that in cases of simple larceny the value of the property the prisoner is charged with having stolen does not, according to the belief of the said Magistrate, exceed 10 Rupees.

Rule, Ordinance, and Regulation I of 1814.

Articles I, II. and III. of Title IV. of Rule, Ordinance and Regulation II. of 1827.

Title VI. of the same.

Title VIII. of the same.

Title IX. of the same.

Title X. of the same.

Articles III. and IV. of Title XI. of the same.

Such Police Magistrate to have full power of summoning to appear before him all persons whose presence is necessary to promote the purposes of Justice, and to have the same power of apprehending and punishing any person so summoned under the same circumstances as the Court of Petty Sessions is empowered under Article XVIII., Rule, Ordinance, and Regulation III. of 1815.

V. And it is hereby enacted, that the said Magistrate of Police shall not have power to sentence any person to be imprisoned with or without hard labour for a longer period than three calendar months.

VI. And it is hereby enacted, that it shall be lawful for the Magistrate of Police, when any person is charged before him under this Act, in his discretion, either to try such person or to commit him for trial before the Court of Petty Sessions or Her Majesty's said Supreme Court of Justice.

VII. And it is hereby enacted that the Magistrate of Police, after trying any offender charged before him by virtue of this Act, shall cause his judgment to be drawn up in the following form of words, or in such other form of words to the same effect as the case shall require, that is to say,

BE it remembered, that on the day of in the year of our Lord before me Magistrate of Police in and for the said Town and Presidency, *E. F*, was duly convicted (here specify the alleged offence, and the time and place when and where the same was committed, as the case may be), and I the said Magistrate of Police believe the value of the property stolen to amount to a sum not exceeding 10 Rupees, that is to say, Rupees and I adjudge the said *E. F.* (here state the punishment the prisoner is to suffer, as the case may be). Given under my hand the day and year first above named.

(Signed) ————————

VIII. And it is hereby enacted, that, upon any conviction for simple larceny or for receiving stolen goods, the authority before which such conviction shall have taken place shall have power to order the restitution of the property stolen, if forthcoming, to the owner or his representative, and in case of its not being restored pursuant to such order, to impose on any person refusing or neglecting to restore the same, a fine not exceeding 20 Rupees, and in default of payment, to adjudge the person guilty of such neglect or refusal to be imprisoned for the space of one calendar month, unless the property be sooner restored.

IX. And it is hereby enacted, that Article I., Title XIV., and Article III., Title XV. of Rule, Ordinance and Regulation II. of 1827 are hereby repealed. And it is enacted, that, whenever any offender is convicted of any second or repeated offence, it shall be lawful for the Court of Petty Sessions to award a double punishment: Provided always, that in no case shall corporal punishment extend beyond 24 lashes, or imprisonment beyond 12 months.

X. And it is hereby enacted, that all fines and penalties hereafter to be awarded by the Court of Petty Sessions or the Police Magistrates in Bombay or either of

them, under this Act or otherwise, shall be levied in the manner provided in Act II. of 1839.

XI. And it is hereby declared, that nothing in this Act contained shall be construed to affect the remedy of any person aggrieved by the conviction of the said Court of Petty Sessions or a Magistrate of Police, through the means of the writ of certiorari.

Act No. VII. of 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 14th June 1841.

An Act for a more uniform and an improved Process for taking the Examination of Absent Witnesses.

I. It is hereby enacted, that all Regulations and parts of Regulations for taking the examination of absent witnesses in any Presidency, are hereby repealed.

II. And it is hereby enacted, that it shall be lawful for any Court within the territories under the government of the East India Company, and the several Judges thereof, in every civil proceeding depending in such Court, upon the application of of any of the parties to such proceeding, to order the examination, upon interrogatories or otherwise, before any officer of such Court, or other person or persons named in such order, of any witnesses within the jurisdiction of the court where the proceeding shall be depending, or to order a Commission to issue to any subordinate Court for the examination of such witnesses upon interrogatories or otherwise, or to order a Commission to issue to any other Court for the examination of witnesses at any place or places out of such jurisdiction, upon interrogatories or otherwise, and by the same or any subsequent order or orders to give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the proceeding shall be depending as without, as may appear reasonable and just: Provided always, that any Court to whom any such Commission shall be directed shall take the examination in open court, in all cases where witnesses are able to attend in court and are not exempted from attendance by law, absolutely, or at the discretion of the Court; Provided also, that such Commissions as aforesaid for the examination of witnesses out of such jurisdiction may be directed otherwise than to some Court under special circumstances which may appear to the Court issuing the Commission to render such special direction expedient; Provided also, that all Commissions issued and orders made by any Court of the East India Company, and which are required to be executed within the local limits of any of Her Majesty's Supreme Courts, shall be directed in manner hereinafter mentioned.

III. And it is hereby enacted, that, when any order shall be made for the examination of witnesses within the jurisdiction of the Court wherein any such proceeding as aforesaid shall be depending by the authority of this Act, it shall be lawful for the Court or any Judge thereof, in and by the first order to be made in the matter or any subsequent order, to command the attendance of any person to be named in such order, and to direct the attendance of any such person to be at his own place of residence or elsewhere, if necessary or convenient so to do, and to produce all necessary documents and papers; and the wilful disobedience to any such order shall be deemed a contempt of Court, and punishable as in other cases of refusing or neglecting to give testimony: Provided always, that every person whose attendance shall be required under this Act shall be entitled to the like payment for expenses and loss of time, as upon attendance in Court in cases where such expenses are now allowed.

IV. And it is hereby enacted, that it shall be lawful for every Court or person authorized to take the examination of witnesses by any order or Commission issued in pursuance of this Act, and they are hereby anthorized and required, to take all such examinations upon oath or affirmation where an affirmation is admissible or required upon a trial; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and every person causing or procuring another person to commit the offence of perjury hereby defined shall be guilty of subornation of perjury.

IV. And it hereby enacted, that before any order or Commission for the examination of any witness under this Act shall be issued, the Court or Judge issuing the same shall be satisfied that there is good reason for believing that the witness will be unable to attend at the usual time for examination by reason of absence from the jurisdiction, sickness, or other cause allowed by law. And before granting any such Commission, the Court granting the same shall make particular inquiry as to the present residence of the witness whose deposition is to be taken under such Commission, and as to the Court of the same degree as the Court granting such Commission, or of inferior degree to such Court which may be nearest to the place of residence of the witness: and the Commission shall ordinarily be directed to such Court of equal or inferior degree as may most conveniently execute the same: Provided, however, that if there be doubt as to which is the most convenient Court of equal or inferior jurisdiction, such Commission may be directed to the Judge having jurisdiction within the district within which the Commission is to be executed; and the Judge shall at his discretion execute the Commission in his own Court, or direct it to any subordinate Court within his district, which shall have the same effect for all the pur-

poses of this Act as if the Commission had in the first instance been directed to such subordinate Court; and no deposition taken under this Act, except as hereinafter mentioned, shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant without collusion more than 50 coss from the place where the Court is held, or exempted by law, absolutely or at the discretion of the Court, from personal appearance in Court, or unless the Court shall at its discretion dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court at its discretion to authorize the reading of the deposition; and all depositions taken under this Act, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

VI. And it is hereby enacted, that any Court other than one of Her Majesty's Courts, or any Judge thereof, may issue such Commissions as aforesaid, and such orders as are indicated in the second and third sections of this Act, to be executed within the local limits of the jurisdiction of any of Her Majesty's Courts; and all such Commissions and orders, except when directed otherwise than to a Court, shall be directed to a Court of requests having jurisdiction within such limits, or any part thereof.

VII. And it is hereby enacted, that such Commissions and orders as aforesaid may be issued for execution under this Act within the territories of Princes and States in alliance with the East India Company; and all persons within such last-mentioned territories, being in the service of the East India Company, are hereby required to pay obedience thereto; and for disobedience thereof shall, on being found within the jurisdiction of the Court or Judge issuing any such Commission or order, be punishable in like manner as if such offence had been committed within such jurisdiction; and for giving false testimony under the same shall be punishable by any Court of Justice within the territories of the East India Company.

VIII. And it is hereby enacted, that, whenever the evidence of any absent witness shall be required out of the jurisdiction of the Court in which the proceedings for which the evidence is wanted may be pending, and the Commission shall be directed to any Court, such Court may punish the wilful disobedience of any such order, as aforesaid as a contempt, notwithstanding it shall not itself have made such order, with the same amount of punishment as in other cases of refusing or neglecting to give testimony.

Act No. IX. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 28th June 1841.

An Act concerning the Adjudication of certain Penalties imposed by Act XXV. of 1840, for the better Protection of the Abkaree Revenue within the Presidency of Fort William in Bengal.

I. It is hereby enacted, in modification of Section XIV. Act XXV. of 1840, that offenders punishable under the said Section of the said Act shall be liable to a fine not exceeding 200 Rupees, or to imprisonment for a term not exceeding three months, and in case of non-payment of the fine, to imprisonment not exceeding the same term; and the sentence shall in every case be adjudged by a Superintendent of Abkaree Revenue, indicated in Section II. of the said Act.

Act No. X. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 5th July 1841.

XIII. And it is hereby provided, that country craft employed in coasting voyages, not exceeding the burden of 200 tons, may be registered and the tonnage marked according to rules to be prescribed from time to time by the respective local Governments.

Act No. XII. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 19th July 1841.

III. And it is hereby enacted, that upon the promulgation of this Act, the Sudder Board of Revenue at Calcutta shall determine with regard to each permanently settled district or zillah under their jurisdiction, the fixed dates in each year on which shall be commenced the process for realizing by sale of mehals the arrears of land revenue due thereupon; and the said Board shall give notice of the dates so fixed in the Calcutta Gazette, and shall direct corresponding publication to be made, as far as regards each district, in the language of that district, in the office of the Collector or other officer duly authorized to hold sales under this Act, and in the Courts of the Judge, Magistrate, Principal Sudder Ameens, Sudder Ameens, and Sudder moonsiffs; and the days so fixed shall not be changed until the same be changed by the said Board by advertisements and notifications in the manner above described; such advertisements and notifications to be issued on every occasion after the first above provided for, at least three months before the close of the official year preceding that in which the new date or dates are to take effect; Provided always, that

another notice shall also be given, for a period of not less than 15 clear days previous to each fixed date of sale, by advertisement to be stuck up in each of the forenamed offices and Courts, and the Collector shall be bound to furnish, during this interval, to all inquirers full particulars as to what estates are in balance, and the amount due on each.

IV. And it is hereby enacted, that, in districts not permanently settled and in the province of Benares, no sale shall take place for arrears of land revenue or other demand of Government, without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale.

V. And it is hereby enacted, that, if the whole or a portion of a kist or instalment of any month of the year, according to which the settlement and kist-bundee of any mehal have been regulated, be unpaid on the first of the following month of such year, the sum so remaining unpaid shall be considered an arrear of revenue.

VI. And it is hereby enacted, that except as hereinafter excepted, all estates from which, at sunset of the day preceding that fixed for sale, an arrear of revenue may be due, shall, on the said fixed day, or on the day or days following as hereinafter provided, be put up to public auction by and in the presence of the Collector or other officer authorized by Government to exercise the powers of Collector in that behalf, and shall be sold to the highest bidder; and no payment or tender of payment made subsequent to sunset of the day preceding that fixed for a sale shall bar or interfere with the sale, either at or after its conclusion.

VII. And it is hereby enacted, that no claim to abatement or remission of revenue, unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever, held or supposed to be held by any defaulter against Government shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea, that money belonging to the defaulter and sufficient to pay the balance or part of it was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute; and unless, after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the estate.

VIII. Provided always, and it is hereby enacted, that no estate shall be sold for the recovery of arrears or demands of the description mentioned below, otherwise than after a notification in the language of the district, specifying the nature and amount of the arrear or demand, shall have been affixed, for a period of not less than 15 clear days preceding the day of sale, in the office of the Collector or other officer as aforesaid, by whom the sale is intended to be made, in the Court of the Judge within whose Jurisdiction the land advertised lies, in the Courts of all the

Principal Sudder Ameens, Sudder Ameens and Moonsiff, of the district, and at the police thannah of the division in which the estate to which the notice relates, or part of it is situated, the same to be certified by the receipt of the officer at whose office such publication may have been made; and also at the cutcherry of the malgoozar of the estate, or at some conspicuous place upon the estate, the same to be certified by the peon or other person employed for the purpose: and it shall be declared in the said notification that no payment or tender of payment of the arrear or demand due which may be made after sunset of the day preceding the fixed day of sale, will bar or interfere with the sale either at or after the transaction.

1st. Arrears due from or to be recovered by the sale of estates not permanently settled.

2d Arrears, other than those of the current or of the preceding year.

3dly. Arrears due on account of estates other than that to be sold.

4thly. Arrears of estates under attachment by order of the judicial authorities.

5thly. Arrears due on account of tuccavy, poolbundee, or other demands, not being land revenue, but recoverable by the same process as arrears of land revenue.

IX. And it is hereby enacted, that Collectors shall at any time before sunset of the day preceding the fixed day of sale, receive as a deposit, from any party not being a proprietor of the estate in arrear, the amount of the arrear of revenue due from it, to be carried to the credit of the said estate at sunset, as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the estate; and in case the party so depositing, whose money shall have been credited to the estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, it shall be competent to the Judge of the zillah in which such estate is situated, to order the said party to be put into temporary possession of the said estate, subject to the rules in force for taking security in the cases of appellants and defendants; and if the party depositing, whose money shall have been credited as aforesaid, shall prove, before a competent Civil Court, that the deposit was made in order to protect an interest of the said party, which would have been endangered or damaged by the sale of the estate, he shall be entitled to recover the amount of the deposit, with interest, from the proprietors of the said estate.

X. And it is hereby enacted, that no estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of

Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years; and no estate held under attachment by the revenue authorities, otherwise than by order of a judicial authority, shall be liable to sale for arrears accruing whilst it was so held under attachment; and no estate held under attachment by a revenue officer, in pursuance of an order of a judicial authority shall be liable to sale for the recovery of arrears of revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Collector, at any time before the sale of an estate shall have commenced, to exempt such estate from sale; and in like manner it shall be competent to the Commissioner of Revenue at any time before the sale of an estate shall have commenced, to exempt such estate from sale, by a special order to the Collector to that effect in each case; and no sale of an estate shall be legal, if held after the receipt of an order of exemption in respect to such estate: Provided, however, and it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; And provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other officer duly authorized by Government in that behalf in the land revenue cutcherry at the Sudder Station of the district; Provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales, other than such cutcherry, whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted, that in case the Collector or other officer as aforesaid shall be unable from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable from any cause to complete it, he shall be competent to adjourn it to the next day following, not being Sunday, or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his cutcherry; and so on, from day to day, until he shall be able to commence upon or to complete the sale, but with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

XIV. And it is hereby enacted, that, on the day of sale fixed according to Section III. of this Act, sales shall proceed in regular order; the estate to be sold bearing the lowest number on the towjee, or registers in use in the Collector's office of

the district being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector, or other officer as aforesaid, to put up any estate out of its regular order by number.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale as the Collector may think necessary, either in cash, Bank of Bengal notes or post bills, or Government securities duly indorsed, 25 per cent on the amount of his bid, and in default of such deposit, the estate shall forthwith be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the 30th day from that on which the sale of the estate bought by him took place, reckoning that day as one of the thirty: or, if the 30th day be a Sunday, or other close holiday, then on the first office day after the 30th: and in default of payment within the prescribed period as aforesaid, then, and afterwards as often as such default shall occur, the deposit shall be forfeited to Government, the estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the estate, or to any part of the sum for which it may subsequently be sold, and in the event of the proceeds of the sale, which may be eventually consummated, being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public revenue, and it shall be so levied and credited to the defaulting proprietor of the estate sold, and if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids: Provided always, that every such re-sale shall be made after notification, and in the forms prescribed by Section VIII. of this Act.

XVII. And it is hereby enacted, that, whenever an estate shall have been sold as aforesaid, the Collector, or other officer as aforesaid, shall affix a proclamation in the language of the district in his cutcherry; and as soon thereafter as may be in the cutcherries of the moonsiffs, and of the darogahs of police, within whose jurisdiction or jurisdictions any part of such estate may be situated; and also at the cutcherry of the malgoozar of such estate; or on some conspicuous place on such estate, forbidding the ryots and under-tenants of such estate to pay rent falling due subsequent to the date therein specified, and up to the date of the subsequent notice hereinafter prescribed by Section XXI. of this Act, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid within the period aforesaid.

XVIII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act, if pre-

ferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI., or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise; and the Commissioner shall be competent, in every case of appeal so preferred, to annul any sale of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed interest, at the current rate of Government securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's office, and the order of the Commissioner shall in such cases be final.

XIX. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue, on the ground of hardship or injustice, to suspend the passing of final orders in any case of appeal from a sale, and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the local Government to annul the sale; and the local Government in any such case may annul the sale, and cause the estate to be restored to the proprietor, on such conditions as may appear equitable and proper.

XX. And it is hereby enacted, that all sales of which the purchase-money has been paid up as prescribed in Section XVI. of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the 30th day from the day of sale, reckoning the said day of sale, as the first of the said 30 days; and sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than 30 days from the day of sale, or if less, then at noon of the 30th day as above provided.

XXI. And it is hereby enacted, that, immediately upon a sale becoming final and conclusive, the Collector or other officer as aforesaid shall give to the purchaser a certificate of title in the following form.

I certify that A. B. has purchased at public auction under Act XII. of 1841, Mehal C., and that his purchase has taken effect on and since the day of (being the date of sale).

(Signed) *D. E.*, Collector.

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate sold being vested in the person or persons named from the date specified: and the Collector shall also notify such transfer by written proclamation in his own cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions within which any part of the estate sold shall be situated, and also at the cutch-

erry of the malgoozar of the estate, or on some conspicious place on the estate; and shall apply the purchase-money first to the liquidation of all arrears due upon the day of sale, or upon the day of the original sale, if the sale finally consummated be a resale: and secondly, to the liquidation of all outstanding demands debited to the muhal in the public accounts of the district, holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate sold, to be paid to their receipt on demand in the manner following: to wit, in shares proportioned to their recorded interest in the estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt: Provided that, if prior to payment of any surplus that may remain of the purchase-money, after liquidation of all government arrears and dues, to the proprietor of the estate sold or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the proprietor by attachment, except under precept and in satisfaction of decrees of Court, for such debts; and if the balance of purchase-money have in any such case been paid away in liquidation of the proprietor's just debts by order of any Court, and a decree shall afterwards pass for annulling the sale, the proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

XXII. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXIII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXI. of this Act; and the amount of deposit and balance of purchase-money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current public securities, from the dates on which they were respectively paid in, to the date on which the refund is actually made.

XXIV. And it is hereby enacted, that the party certified as the proprietor of an estate by purchase at public sale for the recovery of arrears of revenue shall be answerable for all instalments of the revenue of Government which may fall due subsequently to the day of sale: Provided, however, that in the case of re-sales the purchaser shall be answerable for all instalments of revenue which fell due subsequently to the day of the first sale.

XXV. And it is hereby enacted, that no sale for arrears of revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall

be set aside by a Court of Justice, except upon the ground of its having been made contrary to the provisions of this Act; and except the contravention thereto shall have been declared and specified in an appeal made to the Commissioner, under Section XVIII. of this Act, and except the action in the Civil Court be instituted within one year from the date of the sale becoming final and conclusive, as provided in Section XX. of this Act; and no person shall be entitled to contest the legality of a sale after having received any portion of the purchase-money. Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person, considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

XXVI. And it is hereby enacted, that, in the event of a sale being reversed by a final decree of a Court of Justice, the purchase-money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities.

XXVII. And it is hereby enacted, that the purchaser of an estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled districts of Bengal, Behar, Orissa, and Benares, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled, after notice given under Section X. Regulation V. 1812, to enhance at discretion (anything in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said estate, and to eject all tenants thereof, with the following exceptions:

First. Tenures which were held as istemraree or mocurreree at a fixed rent, more than 12 years before the permanent settlement.

Secondly. Tenures existing at the time of the decennial settlement, which have not been, or may not be, proved to be liable to increase of assessment, on the grounds stated in Section LI. Regulation VIII. of 1793.

Thirdly. Lands held by Khood Kasht or Kudeemee Ryots having rights of occupancy at fixed rents or at rents assessable according to fixed rules under the Regulations in force.

Fourthly. Lands held under *bona fide* leases at fair rents, temporary or perpetual, for the erection of dwelling-houses or manufactories, or for mines, gardens, tanks, canals, places of worship, burying-grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified areas by a former proprietor, for terms not exceeding twenty years, under written leases, regis-

tered within a month from their date: Provided that a writen notice, specifying full particulars of the position, rent, and area of the lands, the terms of the lease and the names of the parties, shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the public revenue will be materially affected thereby. The exception declared in this clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an estate at sale for arrears of revenue, shall be at liberty by suit in Court to set aside all such farms although the same be under written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

XXVIII. And it is hereby enacted, that the purchaser of an estate, sold under this Act for the recovery of arrears due on account of the same in districts other than those mentioned in Section XXVII, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engagers, as well as all agreements with ryots or the like settled or credited by the first engager or his representatives, subsequently to the last settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter or renew, saving always and except *bonâ fide* leases of ground for the erection of dwelling-houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, water-courses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stripulated rent paid, continue in force and effect: Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former malgoozars from the old established rates by special favor, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the pergunnah, mouzah, or other local division, such persons are liable to be called upon for any new assessment or other demand not interdicted by the regulations of Government.

XXIX. And it is hereby enacted, that it shall be competent to the local Government when it shall see proper, at any time before a sale for arrear shall have

been actually made, to direct it to be made, subject to the leases, assignments, or other incumbrances, with which a proprietor in possession, his ancestors or predecessors, may have burthened his assessed estate, or to such of them as shall appear proper: in all such cases, notice of the condition imposed by the local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the local Government may direct: Provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that by reason of the restriction the future realization of the revenue will be endangered, it shall be competent to the local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XX. of this Act, to direct the sale to be cancelled, and a new sale of the estate to be made, without other restrictions than those contained in the exceptions specified in Clauses 1 to 5 of Section XXVII. of this Act. If after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the local Government to direct that the muhal shall be sold without any other restriction than those contained in the exceptions specified in Clauses 1 to 5 of Section XXVII. of this Act, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the local Government to direct a portion or the whole of the excess to be paid to persons whose interests having been reserved at the first, shall become void at the second sale.

XXX. And it is hereby enacted, that excepting co-partners of estates under butwarrah who may have saved their shares from sale under Sections 33 and 34, Regulation XIX. 1814, any recorded or unrecorded proprietor or co-partner who may purchase in his own name or in the name of another the estate of which he is proprietor or co-partner: or who, by re-purchase or otherwise, may recover possession of the said estate after it has been sold for arrears under this Act; and likewise any purchaser of an estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the estate subject to all its incumbrances exsiting at the time of sale, and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous proprietor at the time of the sale of the said estate.

XXXI. And it is hereby enacted, that arrears of rent which at the date of sale may be due to the defaulter from his tenants, shall be recoverable by him after a sale by any process except distraint which might have been used by him for that purpose before the sale was made.

XXXII. And it is hereby enacted, that any Collector or officer exercising the powers of Collector, in respect to sales, shall be competent to punish any contempt

committed in his presence in open Cutcherry or office for the time being by fine, to an extent not exceeding Co.'s Rs. 200, commutable, if not paid, to imprisonment in the Civil Jail for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector as aforesaid, shall carry his sentence into effect: provided that an Appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

XXXIII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV. of this Act shall be held to be a contempt.

XXXIV. And it is hereby enacted, that the operation of this Act, shall be confined to the provinces of Bengal, Behar, Orissa, and Benares, now subject to the General Regulations, and to the ceded and conquered Provinces similarly subject to the General Regulations under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the town of Calcutta, or the settlements of Singapore, Penang, or Malacca.

Act No. XIV. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 23rd August 1841.

An Act for the better Regulation of Markets in the Islands of Bombay and Colaba.

I. It is hereby enacted, that whoever shall sell or expose for sale as good meat the flesh of animals that have died, or other noxious and unwholesome provisions of any kind, or shall use any false weights or measures for the purpose of fraud, or shall be guilty of any nuisance affecting the public health in any market within the Islands of Bombay and Colaba, shall be liable on conviction before a Magistrate of Police to a fine not exceeding 200 Rupees.

II. And it is hereby enacted, that it shall be lawful for any Magistrate of Police from time to time to examine all weights and measures used in any market within the said Islands, and all provisions exposed for sale therein, and to cause such weights and measures as he shall find to be false, and such provisions as he shall find to be noxious and unwholesome, to be forthwith destroyed; and every person obstructing any Magistrate of Police in the premises, shall be liable on summary conviction before the Petty Sessions to a fine not exceeding 200 Rupees, or to imprisonment with or without hard labour for three months.

Act No. XVII. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 30th of August 1841.

An Act for amending the Proceedings in Appeals before the Courts of Sudder Dewanny and Nizamut Adawlut in the Presidency of Fort William in Bengal.

I. It is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny and Nizamut Adawlut, within the territories subject to the Presidency of Fort William in Bengal, by an order, under the signature of the Register of such Court, to transfer to such Register the duty of preparing appealed causes for trial, and of executing the decrees and orders of the said Courts, and to authorize him to issue the necessary process, and to proceed thereupon agreeably to the Rules prescribed by the General Regulations of Government.

II. And it is hereby enacted, that in Proceedings before the said Courts it shall not be necessary to take any security for costs; and it shall be competent for the said Courts of Sudder Dewanny and Nizamut Adawlut, to frame such rules of practice for the due exercise of the Civil and Criminal Jurisdiction vested by the Regulations in those Courts, as may from time to time be found requisite; and such rules, when so framed, shall be submitted to the Governor-General of India in Council; and after the same shall have been approved by the said Governor-General of India in Council, they shall be of the same force as if they were inserted in this Act.

Act No. XVIII. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 30th of August 1841.

II. And it is hereby enacted, that any person who shall collect or keep in one place, or within places not exceeding three miles in distance from each other, any quantity of gunpowder exceeding 50 lbs., without a license from such officer as aforesaid, shall be liable, on conviction before a Magistrate, to a penalty not exceeding 500 Rupees; and such gunpowder shall become forfeited on the award of the officer or officers authorized to grant licenses as aforesaid, or the Collector of customs.

Act No. XIX of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 6th of September 1841.

XX. And it is hereby enacted, that whenever a person dies leaving moveable or immoveable property within the local limits of the Jurisdiction of any of Her

Majesty's Supreme Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation and waste of the property before it can be ascertained who may be legally entitled to the succession to such property, it shall be lawful for the said Court to authorize and enjoin the ecclesiastical Registrar, or one or more curators, to collect such effects and hold or deposit or invest the same in such manner and place, and upon such security, and subject to such orders and directions as the Court may deem expedient.

Act No. XX. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 6th of September 1841.

An Act for facilitating the Collection of Debts on Successions, and for the security of Parties paying Debts to the Representatives of Deceased Persons.

I. Whereas it is expedient to provide greater security for persons paying to the representatives of deceased Hindoos, Mahomedans, and others not usually designated as British subjects, debts which are payable in respect of the estates of such deceased persons, and to facilitate the collection of such debts by removing all doubts as to the legal title to demand and receive the same:

It is hereby enacted, that no debtor of any deceased person shall be compelled in any Court of law to pay his debt to any person claiming to be entitled to the effects of any deceased person, or any part thereof, except on the production of a certificate, to be obtained in manner hereinafter mentioned, or of a probate or letters of administration, unless the Court shall be of opinion that payment of the debt is withheld from fraudulent or vexatious motives, and not from any reasonable doubt as to the party entitled.

II. And it is hereby enacted, that the Zillah or District Court within the Jurisdiction of which any part of the property of the deceased may be found, shall have authority to grant a certificate under this Act; the applicant in his petition shall set forth his title; the Judge shall issue notice of application, inviting claimants, and fixing a day for hearing the petition, and upon the appointed day, or as soon after as may be convenient, shall determine the right to the certificate, and grant the same accordingly.

III. And it is hereby enacted, that the certificate of the district or Zillah Judge shall be conclusive of the representative title against all debtors to the deceased, and shall afford full indemnity to all debtors paying their debts to the person in whose favour the certificate has been granted.

IV. And it is hereby enacted, that the District or Zillah Judge may take such security as he shall think necessary from any person to whom he shall grant a certi-

ficate for rendering an account of debts received by him, and for indemnity of persons who may be entitled to the whole or any part of the monies received by virtue of such certificate, whose right to recover the same by regular suit against the holder of the certificate is not affected by this Act.

V. And it is hereby enacted, that the granting of such certificate may be suspended by an appeal to the Court of Sudder Dewanny Adawlut, which Court may declare the party to whom the certificate should be granted, or may direct such further Proceedings for the investigation of the title as it shall think fit. The Court may also upon petition, after a certificate shall have been granted by the District or Zillah Judge, grant a fresh certificate in supersession of the certificate granted by the District or Zillah Judge; and such fresh certificate shall not affect any payments made to the person to whom any former certificate may have been granted without notice that the same has been superseded, but shall entitle the person named therein to receive all monies that may have been recovered under the first certificate from the person to whom the same may have been granted.

VI. And it is hereby enacted, that every certificate shall give authority to the person to whom the same is granted throughout the Presidency within which the same is granted, and no certificate subsequently granted in respect of the same property shall be valid or effectual, except as hereinafter mentioned.

VII. And it is hereby enacted, that a person certified as aforesaid, may be empowered to receive interest on Government notes and dividends, or on shares of any bank or parts thereof and to negotiate such securities; he may be also empowered to receive a share of such interest or dividends or to negotiate a share of such securities: but these powers shall only arise by express words in the certificate.

VIII. And it is hereby enacted, that where a certificate shall have been granted in cases in which such certificate would be valid but for the previous grant of a certificate, all payments made to the person holding the later certificate in ignorance of the grant of the previous certificate shall be held good against claims under such previous certificate.

IX. And it is hereby enacted, with regard to the property of deceased Hindoos, Mahomedans and other persons not usually designated by the term British Subjects, that no certificate in respect of any such property shall be valid, if made after a probate or letters of administration granted in respect of the same, provided assets belonging to the deceased were at the time of his death within the local jurisdiction of the Court granting the probate or letters of administration.

X. And it is hereby provided, that where a certificate shall have been granted in cases in which such certificate would be valid, but for a probate or letters of administration previously granted, all payments made to the person holding the cer-

tificate in ignorance of the previous granting of the probate or letters of administration, shall be held good against claims under the probate or letters of administration so previously granted.

XI. And it is hereby enacted, that no probate or letters of administration shall be valid for the purpose of the recovery of debts, or for the security of debtors, after a certificate granted in respect of the same property for which such probate or letters of administration shall have been granted, provided assets belonging to the deceased were at the time of his death within the jurisdiction of the Court granting such certificate.

XII. And it is hereby provided, that where probate or letters of administration may have been granted, in cases in which such probate or letters of administration would be valid but for the previous grant of a certificate, all payments made in ignorance of the previous grant of the certificate shall be held good against claims under such previous certificate.

XIII. And whereas under Act No. XIX. of 1841, curators may be invested with certain powers which are conferred on persons obtaining certificates under this Act, and which belong to executors and administrators; it is hereby enacted, that curators appointed under the said Act shall not exercise any powers which, but for that Act, would lawfully belong to such persons obtaining certificates, executors or administrators, where a certificate, probate or letters of administration has been actually obtained; but all persons who may have paid debts or rents to a curator authorized by a Judge to receive the same, shall be indemnified, and the curator shall be responsible for the payment of the same to the person who has obtained a certificate, the executor, or administrator, as the case may be.

XIV. And it is hereby declared and enacted, that all probates and letters of administration granted by any of Her Majesty's Courts in cases in which any assets belonging to deceased persons were at the time of their deaths, within the local jurisdiction of the Court granting the probate or letters of administrations, shall have the effect of probate and letters of administration granted in respect of the property of British subjects, but for the purpose of the recovery of debts only, and the security of debtors paying the same, except so far as is in this Act provided.

XV. And it is hereby provided, that nothing in this Act contained shall be held to extend to the property of any person usually designated as a British subject.

Act No. XXI. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 6th of September 1841.

An Act for the better prevention of Local Nuisances.

I. It is hereby enacted, that it shall be lawful for any Magistrate, when the public benefit and comfort are in question, to cause unlawful obstructions and nuisances to be removed from thoroughfares and public places, and to suppress, or cause to be removed to a different place, trades or occupations injurious to the health or comfort of the community, and to prevent such construction of buildings, and such disposal of combustible substances, as may appear to him likely to occasion conflagration, and to cause the removal of buildings in such state of weakness, as, by the probability of their falling, may appear to him to expose individuals to danger.

II. And it is hereby enacted, that in exercising the authority conferred by the above Section, the Magistrate shall, after holding such enquiry an may satisfy him of the necessity of proceeding under this Act, issue an injunction, which, if practicable, shall be served personally on the parties concerned; but if such service shall be impracticable or very inconvenient, the injunction shall be notified by oral proclamation, and a written notice thereof shall be set up at such place or places as may be best adapted for conveying information to the parties concerned; and in case such injunction be not obeyed, the Magistrate may compel observance thereof by force, and punish disobedience by fine not exceeding 200 Rupees, or by imprisonment without labor for any period not exceeding one month: and if the Magistrate finds it necessary to incur expense in removing noxious or dangerous articles or buildings, it shall be lawful for him to sell the same or their materials by public auction in order to defray the charge, delivering any surplus that may remain to the owner; and it shall be lawful for the Magistrate to compel, under the like penalty, the owners of tanks or wells adjacent to any public thoroughfare to fence the same in such manner as to prevent danger to the public arising therefrom.

III. And it is hereby provided and declared, that it shall be lawful for any person affected by such injunction or written notice as is above described, if he shall object thereto, to claim, by written petition, to be presented to the Magistrate within the period of ten days if reasonably practicable, if not, within the shortest reasonable further time from the receipt of such injunction, or the publication of such notice, that a jury or punchayet may be appointed to try and decide the question; and the Magistrate shall, on receiving such petition, pass order thereupon for the appointment of a jury or punchayet, which shall consist of not less than five persons, whereof the President, and one-half of the other members shall be nominated by the Magistrate from the residents in the vicinity, and the remaining members shall be nominated by

the party petitioning; and the Magistrate shall suspend the further execution of the injunction or order pending such inquiry, and be guided by the decision of the said jury, which shall be according to the opinion of the majority. Provided, however, that if the petitioner shall by neglect, or in any other way, prevent the appointment of such jury or punchayet, or if from any cause, the jury so appointed shall not decide and report within a reasonable time, to be fixed in the Order for their appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate; and if, from any of the above causes, no decision be made by a jury or punchayet, the Magistrate's order shall take effect as if not opposed.

IV. And it is hereby provided, that all the proceedings of Magistrates under the authority of this Act shall be subject to the like appeal as other orders of Magistrates, according to the Regulations of the respective Presidencies.

V. And it is hereby enacted, that this Act shall not be applicable within the local limits of Her Majesty's Courts of Justice.

Act No. XXII. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 11th of October 1841.

For amending the Law with respect to Rates for Municipal Purposes within the Town of Madras.

I. Whereas it is expedient to specify the particular purposes to which rates assessed on houses, buildings, and grounds in Madras shall be applied; and to abolish the practice which has hitherto prevailed of levying five per cent. on the annual value of all houses, buildings and grounds, without reference to the amount necessary for accomplishing the purposes of the rates; such per centage being inadequate for the purposes to which the rates have hitherto been deemed applicable: And whereas it is expedient to make the per centage leviable by quarterly or other convenient rates on the annual value of property, to depend entirely on the expenditure necessary for accomplishing in an efficient manner the purposes to which the rates shall henceforth be applicable, and providing for all incidental expenses, and casual deficiencies or defaults: And whereas it is expedient to subject the collection and administration of the funds raised for municipal purposes in the various districts of the Town to the management of the ratepayers themselves within such Districts respectively, whenever they are desirous of undertaking the same, and are willing to enter into proper arrangements for the purpose: And whereas it is expedient to modify the provisions of the Statute 33 Geo. 3, c. 52, in regard to assessments for the

Town of Madras, in order for the better collection of the same, reserving all the authority of such statute in matters not inconsistent with this Act:

It is hereby enacted, that the assessments, which by the Statute 33 Geo. 3, c. 52 are authorized to be made for the town of Madras, shall be applicable to the following purposes only, *viz.*, lighting and watering the roads and streets, and cleansing and repairing the same and the drains of the said town.

II. And it is hereby enacted, that the assessment and rates made under the authority of the said statute shall be sufficient for accomplishing, in an efficient manner, the purposes mentioned in the last Section, for discharging all incidental expenses, and for making up deficiencies and defaults of every kind whatsoever: Provided always, that no rate shall be made exceeding the amount of five per cent. on the assessed value of property without the sanction of the Governor in Council of Fort St. George in Madras.

III. And it is hereby enacted, for the encouragement of the control and supervision of the assessment and collection of the rates, and the management thereof within particular divisions, being undertaken by the ratepayers themselves, that the justices, at their quarter sessions, shall publish quarterly, or as required by the local government, the particulars of all sums laid out, and of all the expenses of collection and deficiencies during the preceding quarter, within three or more divisions of the Town, to be indicated by the Governor in Council of Fort St. George in Madras, before this Act shall be allowed to come into operation, or such other divisions as the Governor in Council of Fort St. George in Madras may from time to time direct, so long as the assessment, collection, or management of the rates for such divisions shall remain under the jurisdiction of the Justices.

IV. And it is hereby enacted, whenever two-thirds, in number and value, of the ratepayers of any of such respective divisions shall apply to the Governor in Council of Fort St. George in Madras to undertake themselves the assessment, collection, and management of the rates of such division, or any or either of these trusts, it shall be lawful for the Governor of Fort St. George in Madras to authorize the same accordingly, at his discretion: Provided always, that such majority of ratepayers shall present a scheme which shall obtain his full approbation for the safe and efficient execution of the trusts, the transfer of which from the present authorities is sought for: Provided always, that in any such arrangement, the amount to be levied in any particular division shall not be considered as necessarily limited by the amount expended within such division, but shall be adjusted by the Governor in Council of Fort St. George in Madras upon reference to all local circumstances.

V. And it is hereby enacted, that, for the better assessment and collection of rates under this Act, it shall be lawful for the Governor in Council of Fort St.

George in Madras to appoint such assessor or assessors, collector or collectors, and to make such union of the offices of assessor and collector, and to prescribe such rules and take such securities for the due execution of this Act by the person or persons employed in assessments and collections, and in the management of the rates collected, as he shall deem expedient.

VI. And it is hereby enacted, that it shall not be necessary in any assessment, rate, or warrant of distress, under this Act, to specify the names of the owners or occupiers of houses, buildings, and grounds; but it shall be sufficient if every property rated be identified, and in the case of houses numbered in any street, that the name of the street and number of the house rated be particularly specified.

VII. And it is hereby enacted, that the goods and chattels of the owner of any property rated shall be seizable anywhere (except where property is concealed as hereinafter mentioned) for deficiency in the payment of rates; and all property, which shall be found upon any premises rated, shall be seizable for any arrears which may be due for a period of one year immediately preceding such seizure; and in the case of the seizure of the property of a tenant under such circumstances, he may deduct the amount of the levy from the next payment of his rent.

VIII. And it is hereby enacted, that where there is ground to suspect that property liable to distress under this Act is concealed in any zenana, the officer charged with the execution of the warrant shall make a special report to the Justice granting the same, who shall thereupon follow, as closely as is practicable, the rules for the seizure of property in like cases adopted by Her Majesty's Supreme Court of the Presidency.

IX. And it is hereby enacted, that it shall be lawful for any one Justice of the Peace for the town of Madras to issue a warrant of distress for the recovery of the arrears of assessment under this Act, or under the Statute 33 George 3, c. 52, and every such warrant shall have the same force and effect as if it were under the hands and seals of two such Justices.

Act No. XXV. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 18th October 1841.

I. It is hereby enacted, that, when any person shall have been directed by any decree or order in equity of Her Majesty's Supreme Courts to execute any deed or instrument, or make a surrender or transfer, or to levy a fine, and shall have refused or neglected to execute, make or transfer, or levy the same, and shall have been committed to prison under process for such contempt, or being confined in prison for any other cause, shall have been charged with or detained under process for such con-

tempt, and shall remain in such prison, the Court may, upon motion or petition and upon affidavit that such person has, after the expiration of two calendar months from the time of his being committed under, or charged with or detained under such process, again refused to execute such deed or instrument, or make such surrender or transfer, or levy such fine, order or appoint the Master or Register of the said Courts to execute such deed or other instrument, or to make such surrender or transfer for and in the name of such person, and to levy such fine in his name, and to do all acts necessary to give validity and operation to such fine, and to lead or declare the uses thereof and the execution of the said deed or other instrument; and the surrender or transfer made by the said Master or Registrar, and the fine levied by him, shall in all respects have the same force and validity as if the same had been executed, or made or levied by the party himself; and within 10 days after the execution or making of any such deed or other instrument, or surrender or transfer, or levying such fine, notice thereof shall be given by the adverse solicitor to the party in whose name the same is executed or made, and such party, as soon as the deed or other instrument or surrender, transfer or fine, shall be executed, made or levied, shall be considered as having cleared his contempt, except as far as regards the payment of the costs of the contempt, and shall be entitled to be discharged therefrom under any of the provisions of this Act applicable to his case, and the Court shall make such order as shall be just touching the payment of the cost of or attending any such deed, surrender, instrument, transfer, or fine.

II. And it is hereby enacted, that, where a person shall be committed for a contempt in not delivering to any person or persons, or depositing in court or elsewhere as by any order in equity of Her Majesty's Supreme Courts may be directed, books, papers, or any other articles or things, the Sheriff, under any writ of sequestration, shall have the same power to seize and take such books, papers, writings or other articles or things, being in the custody or power of the person against whom the sequestration issues, as they would have over his own property, and thereupon such articles or things, so seized and taken, shall be dealt with by the Court as shall be just; and after such seizure it shall be lawful for the Court, upon the application of the prisoner, or any other person in the cause or matter, to make such order for the discharge of the prisoner, upon such terms as to the Court shall seem proper.

ACT No. XXVIII. OF 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 15th November 1841.

AN ACT for extending Act No. XXIII. of 1839, to Camp Followers.

It is hereby enacted, that in cases in which an offender, being a Soldier, is punishable under Act No. XXIII. of 1839, any offender amenable to any Articles of War

for the East India Company's native forces, not being a Commissioned Officer, shall be punishable according to that Act, as well as otherwise according to law; and Act No. II. of 1840, shall be applicable to offenders imprisoned under this Act.

Act No. XXIX. of 1841.

Passed by the Right Honorable the Governor General of India in Council on the 13th December 1841.

An Act for amending such Parts of the Bengal and Madras Codes as concern the dismissal of Suits and Appeals, for neglecting to proceed in the same.

I. It is hereby enacted, that if a Plaintiff or Appellant in any Court shall at any time neglect to proceed in his suit or appeal for six weeks, the suit or appeal shall be dismissed; and it shall not be necessary to give the Plaintiff or Appellant any notice previous to dismissing his suit or appeal. The suit or appeal shall be dismissed as of course after the expiration of six weeks, without any proceeding on the part of the Court, or of the defendant, or otherwise, or assignment of any reasons, unless the Plaintiff or Appellant or his representative in case of his death, upon special application, shall have previously satisfied the Court of the propriety of allowing further time. The Court shall record upon the proceedings the reasons at large for allowing further time in all cases in which further time may be allowed, but it shall not be necessary to specify the reasons for refusing any application for further time.

II. And it is hereby enacted, that, in all cases in which a suit or appeal is dismissed under the preceding Section, the Court shall award to the Defendant or Respondent the costs he may have incurred in the suit or appeal; but such dismissal shall be no impediment to the institution of a new suit or appeal, where the party is not precluded by lapse of time, or period of appeal, or otherwise than by the mere circumstances of having instituted the suit or appeal dismissed, and of such dismissal; and such dismissed suit or appeal shall not prevent lapse of time, under the law of limitations, being incurred.

III. And it is hereby enacted, that Clause II., Section XXVII., Regulation XXIII. of 1814, of the Bengal Code, and Clause II., Section XXVI., Regulation VI. of 1816, of the Madras Code, are repealed, and no appeal shall lie against the decision passed in accordance with the provisions of the preceding clauses of this Act, other than a summary appeal on the fact of default.

Act No. XXX. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 20th December 1841.

An Act for repressing Obstructions to Justice in certain Courts of the East India Company.

1. Whereas sufficient provision is not made for repressing obstructions to justice committed in the Courts of the East India Company; It is hereby enacted, that all persons whatsoever, whether generally amenable to the Courts of the East India Company or otherwise, using menacing gestures or expressions, or otherwise obstructing justice in the presence of any zillah or city Magistrate, Joint Magistrate, or other officer under a Magistrate empowered to try criminal cases, or any superior or inferior Court, Civil or Criminal, of the East India Company, shall be liable to be fined by the authority whose proceedings are obstructed, to any amount not exceeding 200 Rupees, or in case such fine be not paid, to be imprisoned for any period not exceeding one month: Provided, that from the award of punishment in such cases an appeal shall lie, if preferred within one month, to the authority, Civil or Criminal, appointed by law to hear appeals in all other cases from the decisions of the officer by whom the fine was imposed; And provided also, that, notwithstanding anything in this Act, it shall be lawful to indict any person amenable to Her Majesty's Supreme Courts as for a misdemeanor in any of the cases aforesaid sustainable before this Act, if no proceeding shall have been had against the offender in the Court where the offence was committed, but not otherwise.

Act No. XXXI. of 1841.

Passed by the Right Honorable the Governor-General of India in Council on the 20th December 1841.

An Act for amending the Provisions of the Bengal Code touching Criminal Appeals, and the Revision of Sentences and Orders of Criminal Courts.

I. Whereas the provisions of the Bengal Code concerning criminal appeals and revision of sentences and orders of criminal courts required to be amended;—

It is hereby enacted, that those parts of the Bengal Code, which concern the powers and duties of the criminal courts in respect to appeals and revision of sentences of a lower court by a higher, are repealed.

II. And it is hereby enacted, that from every sentence or order in Criminal trials, within the limitation prescribed by Sections VIII. and IX, Regulation IX., 1793, Section IV., Regulation XVI., 1795, and Sections VIII. and IX., Regulation VI, 1803, or in judicial proceedings other than criminal trials passed by an assistant to a Magistrate, or by a Sudder Ameen, or by a law officer, or by any other officer

under a Magistrate, empowered to try criminal cases, there shall be permitted one appeal to the Magistrate, Joint Magistrate, or officer exercising the powers of Magistrate, within one month from the date of such sentence or order: and from every sentence or order in criminal trials, beyond the limitation prescribed by Sections VIII. and IX., Regulation IX., 1793, Section IV, Regulation XVI., 1795, and Sections VIII. and IX., Regulation VI., 1803, or in Judicial proceedings other than criminal trials passed by a Magistrate, Joint Magistrate, assistant to a Magistrate vested with special powers, or other officer empowered to try criminal cases, there shall be permitted, within one month as aforesaid, one appeal to the Sessions Judge ; aud from every sentence or order passed in criminal trials, by a Sessions Judge, there shall be permitted within three months, one appeal to the Court of Nizamut Adawlut; and except as provided in the next Section of this Act, the sentences or orders passed upon such appeals shall be final.

III. And it is hereby enacted, that it shall be at all times lawful for the Courts of Nizamut Adawlut to call for the records of any criminal trials of any subordinate Court, and to pass upon them such orders as may seem fit.

IV. Provided, however, and it is hereby enacted, that it shall not be lawful for the Court of Nizamut Adawlut in cases so called for, or for any criminal Court in appeals preferred to it, to enhance any punishment awarded, or to punish any person acquitted by the Court below.

V. And it is hereby enacted, that it shall be at all times lawful for a Sessions Judge, and for a Magistrate, Joint Magistrate, or officer exercising the powers of Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such subordinate Courts; but it shall not be lawful for any Court, under the degree of the Nizamut Adawlut, to alter any sentence or order of any subordinate Court, except upon appeal by parties concerned, duly made according to the provisions of this Act.

VI. And it is hereby enacted, that it shall be competent to a Sessions Judge to refer to the Nizamut Adawlut any trial in which he may consider the sentence he is empowered to pass inadequate to the guilt of the prisoner, anything in the existing Regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that nothing in this Act contained shall be held to alter or interfere with the powers and duties of a Superintendent of Police as laid down in Act No. XXIV. of 1837, and other parts of the Bengal Code.

ACT No. I. OF 1842.

Passed by the Right Honorable the Governor-General of India in Council on the 10th of January 1842.

AN ACT for better regulating the Sale of Opium and other Intoxicating Drugs within the Town of Calcutta.

It is hereby enacted, that all laws and Regulations prohibiting the sale of spirituous liquors within the Town of Calcutta, except under licenses, and regulating the granting such licenses, and for inflicting penalties for breach of the conditions thereof, or for selling spirituous liquors without having obtained such licenses, shall be applicable to the sale of Opium and other intoxicating drugs within the Town of Calcutta.

ACT No. II. OF 1842.

Passed by the Right Honorable the Governor-General of India in Council on the 28th of March 1842.

AN ACT for providing for the Exercise of certain Powers by the Governor-General during his Absence from the Council of India.

I. Whereas it is expedient that the Governor-General should visit the North Western Provinces and other parts of India, unaccompanied by any Member of the Council of India, it is enacted that, during the absence of the Governor-General from Calcutta, it shall be lawful for the Governor-General alone to exercise all the powers which may be exercised by the Governor-General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor-General has quitted Calcutta for the purpose of so proceeding as aforesaid.

ACT No. III. OF 1842.

Passed by the Honorable the President of the Council of India in Council on the 22nd of July 1842, with the Assent of the Right Honorable the Governor-General of India.

AN ACT for extending the Provisions of Act XXI. of 1839, to certain Petty Thefts, not being cases of simple Larceny.

Whereas it has been found that property has been rendered insecure in many cases, by reason of the impunity with which petty thefts, not being simple larcenies, have been committed, it is hereby enacted that Act No. XXI. of 1839, shall be extended to the following cases, where the property stolen does not exceed in value 20 Rupees, that is to say, to stealing any goods or merchandise in any vessel, barge, or

boat of any description whatsoever, or from any dock, wharf or quay; to stealing, by any servant, any chattel or money balonging to or in possession or power of his Master; to stealing any chattel or money from the person of another.

Act No. VIII. of 1842.

Passed by the Honorable the President of the Council of India in Council on the 2d of September 1842, with the Assent of the Right Honorable the Governor-General of India.

An Act for describing in Legislative Acts with greater certainty and convenience, the Courts of the highest Jurisdiction in the respective Presidencies.

It is hereby declared and enacted, that the powers vested in the Court of Sudder Dewanny Adawlut by Acts No. XIX of 1841 and No. XX. of 1841, shall be applicable to the Courts of highest Civil Jurisdiction in the Madras and Bombay Presidencies respectively, and that, in future Acts generally applicable to all the Presidencies, the terms "Sudder Court" shall be deemed applicable to the Courts respectively of the highest Civil and Criminal Jurisdiction, as the case may be, of all the Presidencies.

Act No. X. of 1842.

Passed by the Honorable the President of the Council of India in Council on the 14th of October 1842, with the Assent of the Right Honorable the Governor-General of India.

An Act for enabling the Inhabitants of any Place of Public Resort or Residence under the Presidency of Fort William, not within the Town of Calcutta, to make better Provision for Purposes connected with public Health and Convenience.

I. It is hereby enacted, that if it shall appear to either of the Governments of the Presidency of Fort William, that two-thirds in number of the householders of any town, suburb, settlement, or place of public resort and residence within that Presidency, are desirous of making better provision for the repairing, cleansing, lighting, draining, or watching of any public streets, roads, drains, or tanks, or any like local purpose, it shall be lawful for the Local Government to which such place as above described is subject, to authorize the same in manner following:—

II. And it is hereby enacted, that the Local Government, upon any application made to it for the purpose, by or on the part of the householders aforesaid, may, at its discretion, authorize the persons whose names shall be presented, or so many of them as may be thought proper, being inhabitants of the place, as above described, to be a Committee for the purpose of effecting the local objects specified in the application.

III. And it is hereby enacted, that any such Committee may make such assessments and at such rates as may be necessary for effecting the objects aforesaid, and may make all necessary contracts and appoint such servants as may be required, with reasonable salaries; Provided always, that no rate exceeding the amount of five per cent. on the rent or yearly value of the premises within the place as above described, or more than one rate in any year shall be raised without the express sanction of the Local Government; Provided also, that no member of any such Committee shall be personally liable in respect of any contract entered into by such Committee on behalf of the inhabitants of any place as above described; provided that the said Committee and every member thereof shall be liable for the misapplication of all monies collected, and the same shall be recoverable in a Civil action as the money and at the suit of the Local Government.

IV And it is hereby enacted, that the Local Government shall in every case prescribe such rules for every Committee as may appear necessary for the proper security of the funds collected from the inhabitants, and shall have the power of removing any member of every such Committee, on its appearing to such Government that the security or efficiency of the trust is in danger of being impaired. And in case of no person being named by the remaining members of the Committee to the satisfaction of the Local Government to act upon such Committee, in the place of the person removed, within one month, the Local Government may appoint a member of the Committee in the place of the person removed.

V. And it is hereby enacted, that every such Committee shall, on the 30th day of April in every year, or oftener, if required by the Local Government, render to the Local Government an account of all sums received and expended in the preceding year, in such form and with such vouchers as the Local Government may from time to time require.

VI. And it is hereby enacted, that, upon the application of such Committee to any Magistrate or Justice of the peace, such Magistrate or Justice is required to exercise the same powers for levying the rate which may be due from any defaulter as are specified in Act II. of 1839.

VII. And it is hereby enacted, that no rate shall be invalidated for defect of form, and it shall be sufficient if in any such rate as aforesaid, or any assessment for the purposes of such rate, the property assessed shall be sufficiently identified, and it shall not be necessary to specify the name of the owner or occupier thereof. And all property found at any time upon the premises rated shall be liable to be seized and sold under warrant from a Magistrate or Justice of the Peace for the payment of the rate.

VIII. And it is hereby further enacted, that it shall be competent at all times to the Local Government to dissolve any such Committee, and to appoint any person or

persons to inquire into and report upon the conduct of such Committee, or of any members thereof, in the execution of their trusts, and such person or persons so appointed shall have power to send for persons, papers, and records, and to compel the attendance or delivery of the same, and to examine witnesses upon oath.

Act No. XI. of 1842.

Passed by the Honorable the President of the Council of India in Council on the 21st of October 1842, with the Assent of the Right Honorable the Governor-General of India.

An Act for Amending and Explaining the Law concerning the Importation of Foreign Sugar.

It is hereby enacted and declared, that the prohibition and penalties contained in Acts No. XXXII. of 1836 and No XV. of 1839, against the landing or attempting to land in any part of the territories subject to the Presidency of Fort William in Bengal, or the Presidency of Fort St. George, of any foreign sugar, or any sugar which is the growth of any British possession into which foreign sugar can be legally imported, shall apply and be deemed to apply to such sugar otherwise imported into any part of the territories subject to the said Presidencies.

Act No. XIV. of 1842.

Passed by the Honorable the President of the Council of India in Council on the 25th of November 1842, with the Assent of the Right Honorable the Governor-General of India.

An Act for giving greater Facility in the Abatement and Prosecution of Nuisances in and through the Towns and Islands of Bombay and Colaba.

I. It is hereby enacted, that no person shall throw or deposit, or cause to be thrown or deposited, any offensive matter or thing whatever on any open space of ground contiguous to any public thoroughfare on the Islands of Bombay or Colaba.

II. And it is hereby enacted, that the owner or occupier of every such open space shall, on a written order from the Court of Petty Sessions for such purpose, forthwith enclose the same with a fence or wall, and in default thereof for the space of 10 days the said Court shall cause such enclosure to be made, and the expense thereof shall be defrayed by the municipal fund, and the said owner or occupier shall be liable to a penalty not exceeding twice the amount so expended.

III. And it is hereby enacted, that it shall be lawful for the said Court of Petty Sessions to order and direct that proper and suitable drains or gutters for the convey-

ance of wastage, water, filth and other offensive matter proceeding from the houses or premises of any of the inhabitants or occupiers thereof, shall be made and built by the owners of such houses in such manner as the said Court of Petty Sessions shall direct, and upon such owners failing so to do, and also to keep the same in repair, for the space of 10 days after notice to that effect shall have been given by the said Court, the said Court may cause such drains or gutters to be built or repaired, and the expense thereof shall be defrayed out of the municipal fund, and the said owners shall be liable to a penalty not exceeding twice the amount of such expense: Provided always, that a default in the making or repairing such drains or gutters has created, or is likely to create a public nuisance.

IV. And it is hereby enacted, that the owner or occupier of any house or tenement having a privy erected upon his premises, shall have such privy shut out by a sufficient wall or fence from the view of persons passing by.

V. And it is hereby enacted, that every privy, sink, drain, watercourses, compound, yard, lane or passage adjoining or belonging to any house or premises, shall be kept clean by the owners or occupiers thereof, so that the same shall not become a public nuisance.

VI. And it is hereby enacted, that no person shall throw or deposit any filth or rubbish on the roof, or weather-boards of any buildings or suspend therefrom any article whatever, so as to project over any street or public thoroughfare; nor shall any person bathe himself, or wash any animal or clothes, or throw any offensive matter or thing whatever in, or into any of the public tanks or wells, and the Governor in Council is hereby empowered, from time to time, by proclamation to declare what tanks or wells shall be deemed public: and also which of such public tanks or wells may be used for the purpose of bathing and washing linen therein.

VII. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions to require any person, owner or tenant, keeping a public brothel or lodging houses for prostitutes, or disorderly characters of any description in any of the more public roads or streets of Bombay and Colaba, to shut up the same, or to remove such tenants from the premises, and on his failing to do so within the time specified in a notice to be given to him to that effect, he shall be deemed to have offended against the provisions of this Act.

VIII. And it is hereby enacted, that no person shall keep a coffee-shop, eating-house, or any place of public resort other than a legally licensed tavern or spirit-shop, without the permission or license of the Court of Petty Sessions, which Court is hereby empowered to grant such permission or license in writing, and which may be revoked by the said Court on good and sufficient cause.

IX. And it is hereby enacted, that all offences against this Act shall be summarily inquired into and decided by the Court of Petty Sessions, and every offence for which there is not a special penalty shall be punishable by a fine not exceeding 200 Rupees.

X. And it is hereby enacted, that all fines imposed under this Act shall be paid into the General Treasury for the benefit of the municipal fund.

Act No. XVIII. of 1842.

Passed by the Honorable the President, of the Council of India in Council on the 23d of December 1842, with the Assent of the Right Honorable the Governor-General of India.

An Act for facilitating preliminary Investigations of Criminal Cases connected with the Collection of the Revenue within the Presidency of Bombay.

I. It is hereby enacted, that it shall be competent for the Revenue Commissioner or his Assistant, within the Presidency of Bombay, to exercise the same powers as the Collector and Magistrate of any Zillah under that Presidency, in all matters touching the collection and management of the revenue, and the conduct of revenue officers, in their official capacities, except that they shall not pass any sentence of punishment: but, when the preliminary inquiries are concluded, shall, if the charge be not dismissed, forward the accused to the Magistrate for trial or for committal according to the nature of the case.

II. And it is hereby enacted, that a Revenue Commissioner or his Assistant, or a Collector of land revenue or his Assistant, or a Sub-collector, may, by written order, delegate in any case to any native servant regularly employed on their respective establishments, not being of an inferior grade to a karcoon, any of the above powers of preliminary investigation, provided they be the same as are exercised by district officers of police under the Regulations; and the proceedings under this Act of all such servants shall be sent to the delegating authority for revision; and after such revision, if the charge be not dismissed, the case shall be forwarded to the Magistrate as aforesaid.

III. And it is hereby provided that nothing in this Act contained shall prevent any Magistrate from making preliminary enquiries and proceeding under the Regulations in all the cases aforesaid, both where the charge has not been investigated under the aforesaid powers, and where it may have been dismissed.

Act No. I. of 1843.

Passed by the Honorable the President of the Council of India in Council on the 27th of January 1843, with the Assent of the Right Honorable the Governor-General of India.

An Act for amending the Law concerning the Registration of written Conveyances and other Instruments affecting Titles and other Interests to Land.

Whereas the Registry Laws now in force in the respective Mofussils of Bengal, Madras, and Bombay provide that registered Conveyances and other instruments affecting Titles to land and other interests therein shall not take precedence of unregistered Conveyances and instruments in cases where the party registering shall have known of the existence of such unregistered Conveyances or other instruments. And whereas a complicated system of law has arisen out of the construction which is to be given to the provisions regarding the knowledge of parties, or notice had by them in such cases: And whereas much perjury has been committed in investigations touching the fact of such notice or knowledge, and much of the time of the Courts has been occupied with such investigations: And whereas in consequence of forgeries, perjuries, fraudulent concealments and other practices, no person purchasing or advancing money on the security of land can safely rely on the Conveyances or other instruments affecting the title to such land or other interest therein, affording, by means of their being registered, a security against Conveyances or instruments being set up, as of previous date, by unregistered claimants;

It is hereby enacted, that all provisions contained in any Regulation or Regulations of the Bengal, Madras or Bombay Code, touching such knowledge or notice as aforesaid, of previous unregistered Conveyances or instruments affecting Titles to land or other interests therein, shall be repealed from the first day of May next; and every Conveyance or other instrument affecting title to land, or any interest in the same, authorized by those Codes respectively to be registered, shall, so far as regards any lands to which the same relate, be void as against any person claiming under any subsequent Conveyance or other instrument duly registered, unless the prior Conveyance or instrument shall have been duly registered before the registration of the subsequent Conveyance or instrument; any alleged notice or knowledge of such prior Conveyance or instrument notwithstanding: Provided always, that this Act shall not be construed to extend to any Conveyance or other instrument made before the first day of May next.

Act No. II. of 1843.

Passed by the Honorable the President of the Council of India in Council, on the 1st of February 1843, with the Assent of the Right Honorable the Governor-General of India.

An Act to regulate the Sittings of the Courts of Sudder Dewanny Adawlut.

I. It is hereby enacted, in modification of Section 16, Regulation XXV. 1814, that when a single Judge of the Sudder Dewanny Adawlut, trying a case in appeal, regular or special, from any subordinate Court, shall be of opinion that the decision appealed from ought to be reversed or altered, he shall always call in two other Judges of the Court to sit with him, and that the appeal shall be then heard by the three Judges sitting together, and be decided by them without any additional voices. In such cases the decree or final order shall be signed by the three Judges, if they agree together; but if one of them dissent from the view taken by the majority, by the two Judges who agree together, and the signature of the third Judge shall not be considered requisite, but his opinion shall be recited in the decree or final order.

II. Provided, that the above rule shall not be applicable to summary appeals, or to appeals in miscellaneous cases, nor shall it be held to interfere with the powers of a single Judge of the Sudder Dewanny Adawlut, under Clause 2, Section 2, Regulation IX., 1831.

Act No. III. of 1843.

Passed by the Honorable the President of the Council of India in Council on the 1st of February 1843, with the Assent of the Right Honorable the Governor-General of India.

An Act for amending the Rules of Special Appeals.

I. It is hereby enacted, that from and after the 1st day of May next, a special appeal shall lie to the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad respectively, to the Court of Sudder Adawlut at Madras, and to the Court of Sudder Dewanny Adawlut at Bombay, from all decisions passed on regular appeals in the Civil Courts subordinate to them respectively, which shall appear to be inconsistent with some law, or usage having the force of law, or some practice of the Courts, or shall involve some question of law, usage or practice, upon which there may be reasonable doubts.

II. And it is hereby enacted, that applications for special appeals shall not be admitted unless they are presented to the proper Court as aforesaid within the period limited for the presentation of Regular Appeals.

III. And it is hereby enacted, that every application for a special appeal shall be accompanied by copies of the several decrees previously passed on the case.

IV. And it is hereby enacted, that every application for a special appeal, duly presented to the proper Court as aforesaid, shall be heard by a single Judge of the Court in the presence of the special Appellant or his Vakeel or Agent, and it shall be competent to the Judge, at his discretion, to call for and peruse any document forming a part of the record of the cause, and to summon the opposite party to answer the application.

V. And it is hereby enacted, that, if it shall appear to the Judge that a special appeal is admissible under this Act, he shall pass an order accordingly, and shall at the same time reduce the point or points to be determined to writing, in English in the form of a Certificate, which shall be translated into the vernacular language in use in the Court, and the special appeal shall then be brought on the file of the Court, to be heard and determined in due course: Provided, that it shall not be necessary to call for or refer to any part of the proceedings the reading of which is not required for deciding the point or points of law stated in the Certificate.

VI. And it is hereby enacted, that if it shall appear to the Judge that a special appeal is not admissible under this Act, he shall reject the petition, and his order so rejecting a petition for a special appeal shall be final.

VII. And it is hereby enacted, that in every case of special appeal admitted as aforesaid, the Court of Sudder Dewanny Adawlut shall determine the point or points, certified as above enacted, and no other point or part of the case whatever.

VIII. Provided, that when the special ground of appeal may have been incorrectly or incompletely certified, it shall be competent to the Court to amend the certificate: Provided, that such amendment shall relate only to the point or points originally stated in the Certificate, and it shall not be lawful for the Court to receive or add any new point or points.

IX. And it is hereby declared, that the existing Laws and Regulations of the Presidencies of Bengal, Madras and Bombay relating to special appeals, shall continue in force, so far as they are not inconsistent with the provisions of this Act.

X. And it is hereby enacted, that nothing contained in this Act shall affect the hearing of second or special appeals which shall have been admitted and be pending in appeal before the said 1st day of May next, and that all such second or special appeals shall be heard and decided in the same manner as if this Act had not passed.

Act No. IV. of 1843.

Passed by the Honorable the President of the Council of India in Council on the 24th of March 1843, with the Assent of the Right Honorable the Governor-General of India.

An Act for amending the Law concerning Appeals from Justices of the Peace, and from Magistrates acting under the Statute 53 Geo. 3, c. 155.

Whereas, in many cases provided by law, offences may be prosecuted before Magistrates not acting within the local limits of the jurisdiction of Her Majesty's Supreme Courts, and which such Magistrates may take cognizance of either in their Magisterial capacity under the Regulations, or as Justices of the Peace: And whereas the appeal from convictions before Magistrates acting in their Magisterial capacities, and from the like convictions before Justices of the Peace are subject to different rules: And whereas in all cases of convictions before Justices of the Peace in the Mofussil, and before Magistrates exercising jurisdiction under the provisions of Statute 53 Geo. 3, c. 155, in cases of assaults, forcible entries, or other injuries accompanied with force committed by British subjects, the law as to appeals requires amendment.

I. It is hereby enacted, that an appeal shall lie from all sentences passed by any Justice of the Peace acting without the local limits of any of Her Majesty's Supreme Courts upon convictions had before him for any offence, and from all sentences passed by any Magistrate upon convictions had before him, exercising such Jurisdiction as aforesaid, to the same authority and subject to the same rules as are provided by the Regulations and Acts of the Government in the case of sentences passed by Magistrates in the exercise of their ordinary jurisdiction; and cases so made the subject of appeal shall not be afterwards liable to revision by means of a writ of certiorari.

II. And it is hereby provided that nothing in this Act contained shall be held to take away the power of quashing any conviction by means of a writ of certiorari, in any other case than where there has been such appeal as aforesaid.

Act No. VI. of 1843.

Passed by the Honorable the President of the Council of India in Council on the 21st of April 1843, with the Assent of the Right Honorable the Governor-General of India.

An Act for amending the Law concerning the Jurisdiction and Procedure of the Courts of Ameens and Moonsiffs.

I. In modification of Clause 4, Section 18, Regulation V. of 1831, Bengal Code, it is hereby enacted, that, in the trial and decision of all original suits referred

to them by the Judge, the Principal Sudder Ameens shall be guided by the rules established for the conduct of business in the Courts of the Zillah and City Judges.

II. And it is hereby enacted, that the provisions of Section 4, Act No. XXV. of 1837, in respect to appeals from decisions passed by Principal Sudder Ameens, in suits of the nature specified therein, be extended to all interlocutory orders passed by those officers in such suits.

III. And it is hereby enacted, that such parts of Regulation XXIII. 1814, as prohibit the Sudder Ameens and Moonsiffs from requiring security from defendants; or from attaching their property in cases pending before them; or from realizing fines imposed by them without first obtaining the sanction of the Zillah Judge, be repealed.

IV. And it is hereby enacted, that it shall be competent to the Sudder Ameens and Moonsiffs to demand security from the defendant, under the provisions of Sections 4 and 5, Regulation II. 1806, in cases pending before them; and also to proceed, without reference to the Zillah Judge, to the realization of fines imposed by them; Provided that all orders passed by the Sudder Ameens and Moonsiffs under this Section, be subject to an appeal to the Zillah Judge.

V. And it is hereby enacted, in modification of Section 22, Regulation V. of 1831, that decrees passed in the Courts of the Judges or Principal Sudder Ameens in cases of appeal from the decisions of the Sudder Ameens or Moonsiffs, shall be executed by the Courts in which the original decisions were passed under the General Rules prescribed for the execution of decrees passed by those Courts. Applications for the execution of such decrees shall be presented, together with a certified copy of the decree of the Judge or Principal Sudder Ameen to the Court of original jurisdiction. In appeals from the orders of the Moonsiff or Sudder Ameen in such cases, the decision of the Zillah or City Judge shall be final.

VI. And it is hereby enacted, that Clause 2, Section 13 Regulation XXIII. 1814 and Clause 4, Section 5, Regulation V. 1831, be repealed.

VII. And it is hereby enacted, that no person whatever shall by reason of place of birth, or by reason of descent, be in any Civil Proceeding whatever, exempted from the jurisdiction of the Courts of the Moonsiffs, in the territories subject to the Presidency of Fort William in Bengal.

VIII. And it is hereby enacted, that persons invested with the powers of Moonsiff shall be competent to receive, try, and determine suits of every description under the restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section 5, Regulation V. 1831: Provided, however, that no

Moonsiff shall try any suit in which he himself, or any of his relatives or dependents or any of the Vakeels or Officers of his Court shall be a party.

IX. And it is hereby enacted, that in cases where, by reason of the above Section, a Moonsiff cannot try a suit, because he himself, or any of his relatives or dependents, or any of the Vakeels or Officers of his Court is a party to the suit, it shall nevertheless be competent to the Moonsiff to receive the suit, and forward it to the Judge of the Zillah to which he is subordinate, who may thereupon refer the same for trial and decision to any other Moonsiff of the district.

Act No. VII. of 1843.

Passed by the Honorable the President of the Council of India in Council on the 28th of April 1843, with the Assent of the Right Honorable the Governor-General of India.

X.—1st. And it is hereby enacted that it shall be competent to a single Judge of the Sudder Adawlut to hold a sitting of Court on all matters within the cognizance of that Court, and to pass orders or judgments in conformity to the Regulations, subject to the following provisions:—

2nd.—On the hearing of any appeal from the decision or order of any Court of inferior jurisdiction, in any case, regular or miscellaneous, if a single Judge of the Sudder Adawlut shall be of opinion that no sufficient ground has been shown to impugn the correctness or justness of such decision or order, it shall be competent to such single Judge, without reference to the order of the file, to confirm the same without requiring the attendance of the opposite party, and with or without a revision of the whole proceedings, as the nature of the case may appear to require, and to communicate the order of confirmation through the Court from whose judgment the appeal was made, to the opposite party, with a view to enable such party to take immediate measures for the execution of the decree. On the other hand, if a single Judge shall be of opinion that the decision or order appealed against ought to be altered or reversed, as being manifestly unjust or at variance with some Regulation in force, or in opposition to the Hindoo or Mahomedan law or other law applicable to the case, or as having been passed without sufficient investigation of the merits, or as grounded on an assumption obviously erroneous, or irrelevant with reference to the points at issue, it shall likewise be competent to a single Judge to issue an injunction pointing out the irregularity, illegality or other defect apparent in the proceedings, decision or order appealed against, and requiring that the Court by which the same may have been held or passed shall revise the case, and proceed thereon in such manner as may appear conformable to justice and to the Regulations.

3rd.—A single Judge of the Sudder Adawlut, may exercise his discretion in calling for the proceedings of the lower Courts, or such parts of them as may appear necessary, and may further order a report in English, or in the vernacular language commonly used in the Court, as the occasion may render advisable, on any points requiring explanation, prior to passing a determination on the case or matter in appeal.

4th.—It shall further be competent to a single Judge to direct, that the execution of any judgment or order passed by an inferior Court, in all cases in which that measure may appear to him expedient, may be stayed until a final decision has been passed thereon.

XI. And it is hereby enacted, that the provisions of Clause 2 of the foregoing Section, shall be applicable to the Judges of Zillah Courts, and to subordinate Judges and Principal Sudder Ameens.

XIV. And it is hereby enacted, that it shall be competent to the Judges of the Zillah Courts to refer the execusion of decrees of the Sudder Adawlut, and of their own Courts, to the subordinate Judges or Principal Sudder Ameens of their Zillahs respectively, who shall proceed therein under the rules prescribed in the General Regulations applicable to such cases: Provided that an appeal shall lie from any order passed by a subordinate Judge or Principal Sudder Ameen, under such reference to the Zillah Court in the first instance; and secondly, a special appeal to the Sudder Adawlut.

XVII. 1st.—And it is hereby enacted, that all parts of Regulations VI. and VII. 1816, in which the Zillah Judge is mentioned, shall be understood as applicable to the Judges of the Zillah Courts established under this Act, excepting Section 56, Regulation VI. 1816, which shall be applicable to the subordinate Judges and Principal Sudder Ameens, as extended by Section 5, Regulation III. of 1833. And all parts of Regulation VI. of 1816, in which the provincial Court is mentioned, shall be understood as applicable to the Sudder Adawlut.

XVIII. And it is hereby enacted, that when a Zillah Judge sees reasons for calling up, under Section 54, Regulation VI. 1816, any cause that may be depending before a District Moonsiff, he may refer it for trial to the subordinate Judge or Principal Sudder Ameen of the Zillah, or to a Sudder Ameen or another district Moonsiff.

XIX. And it is enacted, that when a District Moonsiff shall forward to a Zillah Judge under Clause 2, Section 3, Regulation I. 1829, a suit instituted in his Court, in which he is directly or indirectly a party, or otherwise personally interested, the Judge may refer it for trial either to a Sudder Ameen or another District Moonsiff.

XXV. And it is hereby enacted, in modification of Section 14, Regulation VIII. 1816, that Sudder Ameens shall have authority to order execution of the decisions passed by them, according to the rules for the execution of decrees applicable to the Courts to which they are attached, and to issue all process relative to the causes and proceedings before them under their own official seal and signature, and to realize fines imposed by them without reference to any superior Officer.

XXVII. And it is hereby enacted, that the said Judges shall hold permanent Sessions in the said Zillah Courts for the trial of all persons accused of crimes and offences now cognizable by the Courts of Circuit who shall be committed for trial by the subordinate Judges or Principal Sudder Ameens of the Zillahs respectively.

XXIX. And it is hereby enacted, in modification of Clauses 1 and 3, Section 9, Regulation X of 1816, that if, upon a perusal of the depositions given before the Magistrate, or any competent Officer of Police, it shall appear to the subordinate Judge or Principal Sudder Ameen before whom a prisoner is brought charged with a crime or misdemeanor subject to the jurisdiction of the Judge of the Zillah Court of Session, that there is evidence of the prisoner being concerned in the perpetration of the crime or misdemeanor with which he is charged, and if the deponents confirm their depositions on oath before him, it shall be competent to the subordinate Judge or Principal Sudder Ameen, without further investigation, to commit the prisoner to take his trial before the Session Judge.

XXX. And it is hereby enacted, that the Session Judge shall commence the trial immediately, and shall take the examination of the prosecutor and of the witnesses for the prosecution, and the defence of the prisoner, and the examinations of the witnesses for the defence; and if more witnesses have been previously summoned and are expected to attend, or if the Session Judge thinks it necessary after the commencement of the trial to call for further evidence, he shall adjourn the proceedings, permitting the prosecutor and witnesses to return to their houses, unless he shall see special cause to detain them, in order to their being confronted with the other witnesses whose attendance is expected.

XXXI. And it is hereby enacted, that, except in cases in which the Session Judge thinks proper to proceed as authorized in Section 32 of this Act, the Mahomedan Law Officer attached to the Zillah Court shall sit with the Session Judge for the trial of persons charged with crimes now cognizable by Courts of Circuit, in like manner and subject to the like Regulations as are now applicable to Law Officers sitting with the Courts of Circuit.

XXXII. 1st.—And it is hereby enacted, that it shall be competent to Session Judges, in the trial of criminal cases, to avail themselves at their discretion of the

assistance of respectable natives or other persons in either of the two following ways; viz.:

By constituting two or more such persons Assessors or Members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses; the opinion of each of the Assessors shall be given separately and discussed, and if any of the Assessors, or the authority presiding in the Court desire it, the opinions of the Assessors shall be recorded in writing;

Or by employing them more nearly as a Jury; they will then attend during the trial, will suggest, as it proceeds, such points of inquiry as occur to them (the Court, if no objection exists, using every endeavour to procure the required information), and after consultation will deliver in their verdict; the mode of selecting the Jurors, the number to be employed, and the manner in which their verdict shall be delivered, are left to the discretion of the Judge who presides.

2nd. Provided that the Law Officer may be one of the Assessors or Jury.

3rd. Provided also, that the decision shall be passed by the Judge according to his own opinon, whether he agrees with the Assessors or Jury or not, if the case be one which, under the existing regulations, it is competent to him to dispose of finally; but if he differs from the Assessors or Jury, his decision shall not be carried into effect unless confirmed by the Court of Fouzdaree Adawlut, to which the case shall be immediately referred.

XXXIII. And it is hereby enacted, that it shall be competent to a single Judge of the Foujdaree Adawlut, on a revision of the proceedings held on any criminal trial by any Court of inferior jurisdiction, to reverse or alter the sentence or order passed thereon, provided such reversal or alteration be in favor of the accused, whether for acquittal, mitigation of punishment or otherwise.

XXXIV. And it is hereby enacted, that if a single Judge of the Foujdaree Adawlut, on a revision of the proceedings in a trial held by a Session Judge, concur in opinion with the Session Judge, whether for conviction or acquittal, it shall be competent to such single Judge to pass a final sentence, except for capital punishment, which, as heretofore, shall in all cases require the concurrent opinion of two Judges of the Court.

XXXV. And it is hereby enacted, that it shall be competent to the Court of Foujdaree Adawlut, on a review of the Abstract Statements of prisoners punished without reference, to mitigate the sentence passed on any prisoner when such sentence may appear, on the Session Judge's own showing of the facts, manifestly illegal or too severe, and it shall not be necessary for the Court to call for the proceedings in

such cases, unless they shall see special reasons for so doing; it shall further be competent to the Court in like manner to annul the sentence passed in any case, when such sentence may be in opposition to any Law or Regulation in force, and to require the Session Judge to pass a new sentence according to law.

XXXVI. And it is hereby enacted, in modification of Section 2, Regulation III. 1833, that the authority to overrule judgments passed by Sudder Ameens in criminal cases shall be vested in the Session Judges.

XXXVII. And it is hereby enacted, that Section 24, Regulation X, 1816, Clauses 2 and 3, Section 4, Regulation II. 1822, Clause 2, Section 5, and Clauses 2 and 4, Section 8, Regulation VI. 1827, shall be applicable to Session Judges, instead of Judges of Circuit.

XXXIX. 1st.—And it is hereby enacted, in modification of Section 3, Regulation XIII. 1832, that it shall be the duty of the Session Judge to bring to the notice of the Foujdaree Adawlut uny gross misconduct of any native officer of Police which may have come under his observation in a case investigated by himself, or which may have been reported to him by a subordinate Judge or Principal Sudder Ameen, and which appears to him to deserve the penalty of dismissal, and it shall be competent Foujdaree Adawlut to order the dismissal of such officer.

2nd.—Provided, that the Session Judge shall furnish a copy of his report upon the case to the Magistrate, and the Foujdaree Adawlut shall not pass a final order upon it until the answer of the Magistrate, which shall be addressed to that Court, has been received and considered.

XL. And it is hereby enacted, that it shall be the duty of the Sessions Judge to bring to the notice of the Magistrate any minor neglects or omissions, or transgressions of the subordinate officers of Police which have come under his own observations, or have been reported to him by a Subordinate Judge or Principal Sudder Ameen, and such notification shall be recorded in the periodical returns to the Foujdaree Adawlut.

XLI. And it is hereby enacted, that it shall be competent to the Session Judge to report to the Foujdaree Adawlut any neglect or delay on the part of the Magistrate or the Subordinate Officers of the Magistracy, by which the course of justice has been seriously impeded in cases before himself, or which have been reported to him by a Subordinate Judge or Principal Sudder Ameen.

XLII. And it is hereby enacted, that it shall be competent to the Session Judges, Subordinate Judges and Principal Sudder Ameens, to communicate directly with the District Officers of Police for the purpose of obtaining all the evidence that appears to be forthcoming in cases in which prisoners have been forwarded by them

charged with crimes and misdemeanors, Section 55, Regulation XI. 1816, notwithstanding.

XLIII. And it is hereby enacted, that, except as provided in Section 47 of this Act, Europeans and Americans charged with offences not punishable by the Magistrate, committed within the local jurisdiction of a Principal Sudder Ameen, shall be sent for trial to the Session Judge, who shall proceed thereon in conformity with the rules applicable to his own Court, or to Courts constituted according to Regulation II of 1827, as the case may require.

LI. And it is hereby enacted, that the Governor in Council of Fort St. George shall direct what Law Officers shall be appointed to the Zillah Courts established under this Act, and shall order the manner of their appointment, and such Officers shall be subject to the same rules as the Law Officers of the Provincial Courts of Appeal.

LIV. 1st.—And whereas it is deemed expedient to extend the powers vested in Magistrates by Regulation IX. of 1816;

It it hereby enacted, that the Magistrates be authorized to exercise the powers vested in Criminal Judges by Section 7, Regulation X. of 1816, concurrently with the subordinate Criminal Courts:

2nd.—Provided that, in all cases in which Magistrates shall exercise the additional powers hereby vested in them, the form of procedure shall be the same as is required to be observed in the subordinate Criminal Courts in similar cases, and the same record shall be kept of the trial.

LV. And it is hereby enacted, that in every case in which a Magistrate shall exercise such additional powers, an Appeal from his sentence or order may be preferred to the Session Judge within one month, and it shall be competent to the Session Judge, upon such an appeal, to annul or alter the sentence or order, provided that he shall not increase the punishment awarded by the Magistrate.

LVI. And it is hereby enacted, that all criminal cases which may be depending at the time of the abolition of the Zillah and Provincial Courts, shall be disposed of by the Courts acquiring jurisdiction over the same in virtue of this Act; Provided, however, that prisoners who may have been committed for trial by the Session Judge, in his former office of Criminal Judge or Joint Criminal Judge, and who may object to be tried by that Officer, shall be tried by the Session Judge of another Court, or by the Special Commissioner of the Division, or by an Officer specially appointed by Government.

Act No. VIII. of 1843.

Passed by the Honorable the President of the Council of India in Council on the 28th of April 1843, with the Assent of the Right Honorable the Governor-General of India.

An Act for disposing of the original Suits and Appeals depending before the Provincial Courts of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843.

Whereas it is necessary that provision should be made for the disposal of original Suits and Appeals depending before the Provincial Courts of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843;

I. It is hereby enacted, that the Governor in Council of Fort St. George be empowered to appoint a single Judge to hold a Court in place of each of the said Provincial Courts at the station of such Provincial Court, with a special commission to dispose of all original Suits and Appeals which may be depending before such Court, on the date on which the said Governor in Council shall order the functions of the Provincial Courts to cease.

II. And it is hereby enacted, that the Judges who shall be appointed for this purpose shall be styled respectively; viz, Special Commissioner for disposing of the causes depending before the late Provincial Court for the (Northern, Southern, Centre, or Western) Division.

III. And it is hereby enacted, that every Special Commissioner so appointed, previously to entering upon the execution of the duties of his office, shall take and subscribe the oath prescribed to be taken by Judges of the Provincial Courts of Appeal, before any person who shall be commissioned by the Governor in Council of Fort St. George to administer it.

IV. And it is hereby enacted, that the Special Commissioners shall transfer the original suits on the files of Provincial Courts, in which no proceedings have been held beyond the filing of the pleadings and exhibits, to the Zillah Courts within whose jurisdiction they would fall respectively if they were commenced *de novo*, and such suits shall be tried and decided by the Judges of such Zillah Courts subject to appeal to the Sudder Adawlut.

V. 1st.—And it is hereby enacted, that all other original suits, and all appeals on the file of the Provincial Courts, shall be tried and decided by the Special Commissioners, who shall have the same power as heretofore have been vested in two or more Judges of such Courts sitting together, subject to the same rules and restrictions and under the same provisions for appeals to the Sudder Adawlut.

2nd.—Provided, that in a case of special appeal from a lower Court, if a Special Commissioner differs fromthe Court from whose decision the appeal is preferred, he shall not pass a final judgment reversing the decision, but shall record his opinion and transmit the record of the case to the Sudder Adawlut, to be laid before a single Judge of that Court, whose judgment, confirming or reversing the decree appealed against, shall be final.

VI. And it is hereby enacted, that the execution of decrees of the Special Commissioners, and also of the Provincial Courts for which process was not issued previously to their abolition, shall be committed to the Judge of the Zillah in which the suit was instituted, or if the suit was instituted in the Provincial Court, to the Judge to whose jurisdiction the suit would fall if it were commenced *de novo*. The records of the cases shall be transmitted, together with the decrees, to the respective Zillah Judges who shall proceed in the execution of the decrees in the same manner as if they were passed by themselves, and appeals from their orders shall lie to the Sudder Adawlut.

VII. And it is hereby enacted, that the Judges of the Zillah Courts shall proceed in like manner to complete the execution of decrees of the Provincial Courts under process previously issued, subject to appeal to the Sudder Adawlut.

VIII. And it is hereby enacted, that from decisions passed by Zillah Judges, Assistant Judges, and Principal Sudder Ameens, previously to the abolition of the Provincial Courts, in cases appealable to those Courts, in which the time allowed for appealing shall not have expired at the date of their abolition, an appeal shall lie to the Sudder Adawlut, provided that the petition of appeal be presented to the Sudder Adawlut or to the Civil Judge of the zillah in which the original suit was decided, within one month from the expiration of the period within which it ought to have been presented, under the rules applicable to appeals to the Provincial Courts.

IX. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George to authorize the appointment of Ministerial Officers and Vakeels of the Courts of the Special Commissioners, who shall be subject to the same rules as are applicable to the Ministerial Officers and Vakeels of the Provincial Courts

ACT No. X. OF 1843.

Passed by the Right Honorable the Governor-General of India in Council on the 15th July 1843.

AN ACT for the Administration of Justice and Collection of the Revenue in the Districts of Kurnool and Bunganapilly.

I. It is hereby enacted, that from and after the 1st day of September 1843, the administration of Civil and Criminal Justice, the superintendence of the Police, and

the collection and superintendence of the Revenues of every description within the districts of Kurnool and Bunganapilly shall vest in such Agent to the Governor of Fort St. George as shall be appointed by the Governor in Council of Fort St. George, and shall be exercised by the said Agent with the aid of such assistants as may be appointed by the said Governor in Council.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to prescribe such rules as he may deem proper for the guidance of the Agent aforesaid, and of all the officers subordinate to his control and authority, and to determine to what extent the decision of the Agent in civil suits shall be final, and in what suits an appeal shall lie to the Sudder Adawlut, and to define the authority to be exercised by the Agent in criminal trials, and what cases he shall submit to the decision of the Foujdaree Adawlut.

III. And it is hereby enacted that, upon the receipt of any criminal trials referred by the Agent under the rules which may be hereafter prescribed by the Governor in Council, the Foujdaree Adawlut shall proceed to pass a final judgment or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Judge of Circuit.

IV. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent, duly preferred under the rules to be prescribed as aforesaid, the Court of Sudder Adawlut shall proceed to try and determine it in the same manner as appeals from the Provincial Courts.

V. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to make from time to time, with the previous sanction of the Governor-General of India in Council, such alterations in the limits of the aforesaid districts placed under the jurisdiction of the said Agent, as he may deem expedient.

Act No. XII. of 1843.

Passed by the Right Honorable the Governor-General of India in Council on the 29th July 1843.

An Act concerning the Time at which and the Language in which the Decisions of the Judges in the Courts of the East India Company are to be written.

Whereas it is expedient, that the decisions of Courts of Justice and the reasons for the decision should be written and signed by the Judge at the time of pronouncing his decision, and in the vernacular language of the Judge:

I. It is hereby enacted, that in all the Presidencies so much of all decrees as consists of the points to be decided, the decision thereon, and the reasons for the

decision, and all injunctions for the revision of decrees in regular suits, and all orders for reviews of judgment which shall be passed by Judges of the Sudder Courts or by Judges of Zillah and City Courts, or by Subordinate or Assistant Judges of Zillahs, shall be written originally in English, and signed by the Judge or Judges at the time of pronouncing such decision and orders; and shall be translated into the vernacular language commonly used in the Court wherein the suit to which the decree or order relates, shall have been instituted; and the translation shall be incorporated in the decree.

II. Provided that nothing in this Act contained shall be construed to repeal or affect any regulation of the Codes of the Presidencies of Fort St. George and Bombay, by which the decrees of the Sudder Courts are required to be written in English, nor to repeal or affect any regulation of the Code of the Presidency of Fort St. George, by which the decrees of the Provincial and Zillah Courts and the auxiliary Courts under Assistant Judges, and the orders of the Sudder Court and Provincial Courts on petitions presented to them, are required to be written in English.

And whereas it is expedient, that, excepting as regards the language to be used, Principal Sudder Ameens, Sudder Ameens and Moonsiffs, should be guided by the same rules as are hereinbefore provided for the guidance of the superior Judges;—

III. It is hereby enacted, that in all the Presidencies so much of all decrees as consists of the points to be decided, the decision thereon, and the reason for the decision, which shall be passed by Principal Sudder Ameens, Sudder Ameens or Moonsiffs, shall be written originally in the vernacular language of such Principal Sudder Ameen, Sudder Ameen or Moonsiff, and signed by such Principal Sudder Ameen, Sudder Ameen or Moonsiff at the time of pronouncing such decision, and (in case such vernacular language shall not be the same as the vernacular language commonly used in the Court wherein the suit to which the decree relates, shall have been instituted), shall be translated into such last-mentioned vernacular language, and the translation shall be incorporated in the decree.

ACT No. XIII. OF 1843.

Passed by the Right Honorable the Governor-General of India in Council on the 29th July 1843.

AN ACT for regulating Inquiries into the Truth of Matters implicating the public conduct of Officers not removable without the sanction of Government within the Presidency of Fort St. George in Madras.

Whereas it is expedient to amend the provisions contained in the Regulations concerning Inquiries into the Truth of Matters implicating the public conduct of Euro-

pean Officers, and to extend the same to all Officers not removeable without the sanction of Government;

I. It is hereby enacted, that Regulations III. of 1809, II. of 1810, VI. of 1818, and VIII. of 1822, of the Madras Code, be repealed.

II. And it is hereby enacted, that in the territories subject to the Presidency of Fort St. George in Madras, whenever either the Courts of Sudder and Foujdaree Adawlut, or the Board of Revenue, shall be of opinion that substantial grounds exist for making a regular and formal enquiry into the truth of any imputation of official misconduct affecting any Officer subject to their control respectively, and not removeable without the sanction of Government, they shall submit the documents on which their opinion may be founded, together with a statement of the charges, reduced to distinct articles, which they may propose to be made the subject of a regular investigation to the Governor in Council of Fort St. George, for his consideration and orders.

III. And it is hereby enacted, that any charge or information, of the description aforesaid, may be preferred direct to the Courts of Sudder and Foujdaree Adawlut or to the Board of Revenue, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and require the party accused to explain or reply to any matters they may deem to need explanation, and make such further inquiries, upon oath or affirmation upon the subject as they may judge proper.

IV. And it is hereby enacted, that any charge or information may also be made before any Judge, Magistrate or Collector for any acts of the description before mentioned committed within their jurisdiction, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and shall transmit the deposition so taken to the Sudder and Foujdaree Adawlut, or to the Board of Revenue, according as the person accused may be subject to those authorities respectively.

V. And it is hereby provided, that it shall not be lawful for the Courts of Sudder and Foujdaree Adawlut or the said Board, respectively, to act upon any such charge or information, unless the person preferring the same shall make oath, or solemn affirmation in case he be entitled to be exempted from taking an oath, that he believes the facts on which the charge is grounded to be true.

VI. And it is hereby provided, that it shall be lawful for the Courts of Sudder and Foujdaree Adawlut and for the said Board, respectively, to dismiss any such charge or information, where they do not see any substantial reason for entering further into the inquiry: Provided, that on every occasion when they shall dismiss any such charge or information they shall submit the same, together with all the circumstances of the case, in like manner as is provided in Section 2 of this Act.

VII. And it is hereby provided, that the said Courts of Sudder and Foujdaree Adawlut and the said Board, respectively, may, at any stage of the inquiry into such matters as aforesaid, require the person preferring such charge or information as aforesaid to furnish such security as may be deemed reasonable, that he will attend and prosecute the charge to a conclusion, and in the event of security being so required, all proceedings shall be stayed until the same shall be furnished accordingly.

VIII. And it is hereby provided, nevertheless, that if any matter of the nature aforesaid, affecting such officer as is mentioned in the second Section of this Act, shall appear in the course of any proceedings, whether preliminary or otherwise, which shall come before or be reported to either of the Courts of Sudder and Foujdaree Adawlut or the said Board, respectively, those authorities shall act upon such matter, or institute such inquiry upon oath or affirmation as aforesaid, into the same as they shall deem proper for the purpose of such reference as aforesaid to the Governor in Council of Fort St. George, although no charge or information be preferred as aforesaid: and in such cases it shall not be necessary before acting upon or instituting any inquiry concerning any matter so appearing in the course of proceedings, to require any oath or affirmation in regard to the truth of such matter.

IX. And it is hereby enacted, that if the Governor in Council of Fort St. George, upon such reference as is mentioned in the second Section of this Act, shall concur with the authority by which it may be submitted, or if such Governor in Council shall, from information of the description aforesaid that may be laid before him in respect of any officer not directly subject to the Courts or Board above named, deem it necessary to institute proceedings against any such officer, he shall appoint a Commissioner or Commissioners for making a regular and formal inquiry into the truth of the matters referred.

X. And it is hereby enacted, that on the appointment of every such Commission the said Governor in Council shall direct whether the Commission shall be placed under the control of any of the authorities aforesaid, or shall act immediately under the authority of Government, and all Commissions appointed as aforesaid shall be guided by the instructions which they may receive in this behalf from the Government.

XI. And it is hereby enacted, that the Commissioner or Commissioners appointed as aforesaid, before entering on the discharge of his or their duties, shall take the following oath:—

I, A. B., Commissioner for the purpose of [here state the object of the Commission] do solemnly swear that I will faithfully and impartially perform the duty committed to me without fear, favour or bias, to the best of my ability, knowledge, and judgment. So help me God.

XII. And it is hereby enacted, that whenever a charge shall be referred for investigation to a Special Commission, the said Governor in Council will determine whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government. In the latter case, the said Governor in Council will nominate such person or persons as may be deemed proper to conduct the prosecution on behalf of Government.

XIII. And it is hereby enacted, that it shall be the duty of Commissioners appointed under this Act, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser or the accused; to receive any further written documents offered in support of, or against the accusation, and to call for and take any further requisite evidence which may be indicated by the witnesses adduced or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges, or of any part thereof.

XIV. And it is hereby enacted, that for the discharge of the duties specified in the preceding Section, or any other functions which may be delegated to a Commission under this Act, such Commission shall be vested with the same powers as are exercised by the Zillah Courts, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through the Zillah Judge in whose jurisdiction the Commission may be held, and executed by the Zillah Judge in whose jurisdiction the witness or other person upon whom the process is to be served may reside.

XV. And it is hereby enacted, that on the close of the evidence for the prosecution and defence, the accused shall be at liberty to record any observation upon the result of the inquiry which he may think necessary for the vindication of his conduct and character. The accuser, or the person appointed to conduct the prosecution on the part of Government, shall also be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

XVI. And it is hereby enacted, that as soon after the conclusion of the proceedings as circumstances shall permit, the Commissioner or Commissioners shall when the Commission shall be instructed to act immediately under the authority of Government, submit directly to the Government to which he or they may be subordinate, and in other cases to the Controlling Court or Board, the proceedings under the Commission, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and his or their opinion of the merits of the case.

XVII. And it is hereby provided, that it shall be lawful for the said Governor in Council, or the Controlling Court or Board, upon consideration of the report of any such Commission as aforesaid, to direct the Commissioner or Commissioners to take further evidence, or to give further explanation of his or their opinion or opinions connected with the case investigated, and the Commissioner or Commissioners are authorized and required to take such further evidence, and to give such further explanation.

XVIII. And it is hereby enacted, that the Sudder and Foujdaree Adawlut, or the Board to which any report of a Commissioner or Commissioners may be submitted as aforesaid after due consideration of the same, and after obtaining such further evidence or explanations as they may require, shall submit the whole of the proceedings and documents received by them to the Government, together with their opinion whether any, and what charges have been established against the accused.

XIX. And it is hereby provided, that whenever a Special Commission may be appointed under the Provisions of this Act, the said Governor in Council will determine, on a view of the nature and circumstances of the case, whether the accused officer shall be suspended from the discharge of the functions of his office; and if so, whether he shall be permitted to draw the established allowances of his office, or otherwise.

XX. And it is hereby provided, that the Governor in Council, on consideration of the report and proceedings submitted to him in pursuance of Sections 16 and 18 of this Act, will pass such decision on the case as may appear to him most consonant to the Principles of Justice and consistent with the powers possessed by Government in matters of this description; and in the event of his deeming it necessary that the party accused should be brought to trial by a public prosecution before a competent Court of law, will issue the necessary instructions for that purpose to the Law Officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any public Officer, will be at all times at liberty to seek redress according to the ordinary forms prescribed by law.

Act No. XX. of 1843.

Passed by the Right Honorable the Governor-General of India in Council on the 30th of October 1843.

An Act for providing for the Exercise of certain Powers by the Governor-General during his Absence from the Council of India.

I. Whereas it is expedient that the Governor-General should visit the North-Western Provinces and other parts of India unaccompanied by any member of the Council of India; it is enacted, that, during the absence of the Governor-General from the Council of India, it shall be lawful for the Governor-General alone to exercise all the powers which may be exercised by the Governor-General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an order published in the Official Gazette, that the Governor-General has quitted Calcutta for the purpose of so proceeding as aforesaid.

Act No. XXI. of 1843.

Passed by the Right Honorable the Governor-General of India in Council on the 11th of November 1843.

An Act for regulating the Emigration of Labourers from India to Mauritius.

I. Whereas it has been represented that the demands of the Island of Mauritius for agricultural labour will by the end of this year be greatly diminished, and it is desirable that effectual measures should be adopted for providing a larger proportion of female emigrants to that island than has been procured under the present system of emigration, it is therefore enacted, that, from and after the 1st day of January next ensuing, emigration to Mauritius shall only lawfully take place under the provisions of the Act No. XV. of 1842, from the port of Calcutta.

Act No. XXIV. of 1843.

Passed by the Right Honorable the Governor-General of India in Council on the 18th of November 1843.

An Act for the better Prevention of the Crime of Dacoity.

I. Whereas it has been considered necessary to adopt more stringent measures for the conviction of professional dacoits, who belong to certain tribes systematically employed in carrying on their lawless pursuits in different parts of the country, and for this purpose to extend the provisions of Acts XXX of 1836, XVIII. of 1837,

and XVIII. of 1839, for the prevention of thuggee, to persons concerned in the perpetration of dacoity.

I. It is hereby enacted, that whosoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of dacoits, either within or without the territories of the East India Company, shall be punished with transportation for life, or with imprisonment for any less term with hard labor.

II. And it is hereby enacted, that any person accused of the offence of dacoity with or without murder, or of having belonged to a gang of dacoits, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by dacoity, may be committed by any Magistrate within the territories of the East India Company, and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. And it is hereby enacted, that no Court shall, on trial of the offences specified in this Act, require any futwa from any Law Officer.

Act No. III. of 1844.

Passed on the 2nd March 1844.

An Act for legalizing the infliction of Corporal Punishment in cases of Petty Larceny generally, and when committed by offenders of tender age.

I. Whereas it is expedient, until adequate improvements in Prison Discipline can be effected, to substitute corporal punishment for imprisonment in the case of certain offences.

It is hereby enacted, in modification of Cl. 1. S. 2. Regulation II. of 1834, that it shall be competent to a Magistrate, on conviction in cases of theft of property not exceeding in value the sum of Fifty Rupees, to sentence the person convicted to corporal punishment not exceeding thirty stripes of a ratan.

II. And whereas it is also expedient, that offenders of tender age should be punished rather in the way of school discipline than of ordinary criminal justice.

It is hereby enacted, that it shall be competent to a Magistrate, and he is hereby required, on conviction in cases of theft of property not exceeding in value the sum of Fifty Rupees, if the person convicted shall appear to him by inspection or other evidence to be of such tender years as to require punishment rather in the way of school discipline than of ordinary criminal justice, to sentence such person to corporal punishment with a light ratan, not exceeding ten stripes.

III. And it is hereby further provided and enacted, that no female shall be subject to corporal punishment, and that in cases of infliction of corporal punishment

no other punishment shall be superadded, and that the punishment shall be inflicted on all occasions in the presence of the Magistrate.

Act No. VIII. of 1844.

Passed on the 9th April 1844.

An Act to authorize the Governments of Fort William in Bengal, Fort St. George and Bombay, to remove Native Officers, Soldiers and Followers imprisoned under Sentence of a Court Martial from one Prison to another.

It is hereby enacted, that whenever any Native Officer or Soldier, or Follower, belonging to the Forces of the East India Company, shall be a prisoner in any public prison or other place within the territories subject to the Government of the said Company under sentence of any Court Martial, it shall be lawful for the Governor or Governor in Council (as the case may be) of the Presidency, in which such public prison or other place may be situated, to give an order in writing to the Gaoler thereof, or other person in charge thereof, commanding him to deliver up such prisoner to the person producing such order, and such Gaoler or other person shall deliver up such prisoner at any period of his imprisonment to the person producing such order either for his discharge or in order that he may be removed in Military custody to undergo the remainder of his sentence, to such other public prison or such other place as such Governor or Governor in Council (as the case may be) may direct; Provided that such other public prison or other place shall be within the Presidency subject to the Government of the Governor or Governor in Council (as the case may be) who shall have given such order; And provided that the time of imprisonment on removal from one prison to another, or while the prisoner is in custody for any intermediate period shall be reckoned as part of the original period of imprisonment for which such prisoner shall have been sentenced.

Act No. IX. of 1844.

Passed on the 13th April 1844.

An Act for authorizing the institution of Suits in the Courts of Principal Sudder Ameens and Sudder Ameens.

I. It is hereby enacted, that within the territories subject to the Presidencies of Fort William in Bengal, Fort St. George and Bombay, all suits withint he competency of a Principal Sudder Ameen or Sudder Ameen to decide, shall ordinarily be instituted in the Courts of those officers respectively.

II. Provided nevertheless, and it is hereby enacted, that it shall be competent to a Zillah or City Judge to withdraw such suits from the Court in which they may have been instituted, and to try them himself, or to refer them for trial to any other

Court subordinate to his authority, and competent in respect to the value of the suit, whenever he may see sufficient reason for so doing.

IV. And it is hereby enacted, that it shall be competent to the Zillah or City Judge to receive a Summary Appeal from the orders of any Principal Sudder Ameen or Sudder Ameen, rejecting any original suit cognizable by him, and that all rules applicable to Summary Appeals from orders dismissing original suits on the ground of any default shall be applicable to the Summary Appeals given by this Act.

V. And it is hereby enacted, that, in all Suits which in respect to value are cognizable by a Sudder Ameen, the same stamps shall be sufficient in any other Court as would have been sufficient in the Court of a Sudder Ameen.

Act No. XIV. of 1844.

Passed on the 6th July 1844.

An Act for regulating the Proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay and at Agra, in regard to Sentences of transportation for life.

I. It is hereby enacted, that, within the territories subject to the Government of the East India Company, whenever any of the Sudder Courts shall sentence any offender to imprisonment for life, it shall at the same time sentence such offender to transportation beyond Sea for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation, which special reasons the Court is hereby directed to record.

II. And it is hereby enacted, that, within the said territories whenever any offender shall have been sentenced in the first instance by a Commissioner of Circuit or Sessions Judge to imprisonment for life, or whenever a Commissioner of Circuit or Sessions Judge shall have recommended that sentence of imprisonment for life be passed upon any offender, it shall be competent to a single Judge of the Sudder Court to sentence such offender at the same time to transportation beyond Sea for life, and such single Judge is hereby directed to sentence such offender at the same time to transportation beyond Sea for life, unless there should be special reasons inducing him to think such offender not a proper subject for transportation, which special reasons he is hereby further directed to record.

Act No. XV. of 1844.

Passed on the 6th July 1844.

An Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844.

Whereas by Article 17 of Schedule A. annexed to Act No. XIV. of 1836; by Article 18 of Schedule A. annexed to Act No. I. of 1838; and by Article 19 of Schedule A. annexed to Act No. VI. of 1844, certain rates of Duty are to be charged on the importation into the Ports of Bengal and Orissa, and the Ports subject to the Presidencies of Bombay and Madras, of Cotton and Silk Piece Goods, the produce of any place other than the United Kingdom or any British Possession. And whereas it is expedient that the same rates of Duties should be charged on other Foreign Goods of a like description—

It is hereby enacted, that, from and after the first day of January, 1845, the rates of Duty prescribed for the said Articles by the said Schedules, shall be charged on the importation into the Ports of Bengal and Orissa, and the Ports subject to the Presidencies of Madras and Bombay, of all manufacture of Silk or Cotton, and of Silk and Cotton mixed with any other material, which are the produce of any place other than the United Kingdom or any British Possession, and of all foreign made-up Articles of the said manufactures, or of which any part of the materials is of the said manufactures.

Act No. XVII. of 1844.

Passed on the 10th August 1844.

An Act for the Administration of Justice and Collection of the Revenue in the Territory which formed the State of Colaba, and which has lapsed to the British Government.

I. It is hereby enacted, that, from and after the First day of October 1844, the Administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within that portion of the lapsed Territory of Colaba, which is bounded on the East by the Nagotna River, and the Talookas of Sunkse and Rujpooree, on the South by the Rewodunda River, on the West by the Sea, including the Islands of Colaba, Oonderee and Khanderee, (Henery and Kenery) and on the North by the Harbour of Bombay, shall vest in such Agent to the Governor of the Presidency of Bombay as shall be appointed by the Governor in Council, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay, by an Order in Council, to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his control and authority, and to determine to what extent the decision of the Agent in Civil Suits shall be final, and in what suits an appeal shall lie to the Sudder Adawlut, and to define the authority to be exercised by the Agent in Criminal Trials, and what cases he shall submit to the decision of the Foujdaree Adawlut.

III. And it is hereby enacted, that, upon the receipt of any Criminal Trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Foujdaree Adawlut shall proceed to pass a final judgment or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Sessions Judge.

IV. And it is hereby enacted, that, upon the receipt of any appeal from a decree of the Agent duly preferred under the Rules to be prescribed as aforesaid, the Court of Sudder Adawlut shall proceed to try and determine it in the same manner as appeals from the Zillah Courts.

V. And it is hereby enacted, that each of the portions of the lapsed territory of Colaba not included within the boundaries specified in Section I. of this Act shall be subject to the same Laws and Regulations, and shall be governed in all respects in the same manner as the portions of the territories subject to the Government of Bombay, by which such portions of the said lapsed territory may be respectively surrounded, or to which such portions of the said lapsed territory may be respectively contiguous.

ACT No. XXII. OF 1844.

Passed on the 28th December 1844.

AN ACT for regulating the Copper Coinage of the Mints in the Territories of the East India Company.

I. It is hereby enacted, that from and after the passing of this Act, the following Copper Coins only shall be issued from any Mint within the territories of the East India Company:

1. A Pice weighing ..... 100 Grains Troy.
2. A Double Pice .... 200 " "
3. A Pie or one-twelfth of an Anna-piece ..... $33\frac{1}{3}$ " "

with such devices as shall be fixed for the same by the Governor General in Council.

II. And it is hereby enacted, that, from and after the passing of this Act, the said Pice shall be a legal tender throughout the territories of the East India Company for $\frac{1}{64}$ of the Company's Rupee, and the said Double Pice for $\frac{1}{32}$ of the Company's Rupee, and the said Pie for $\frac{1}{192}$ of the Company's Rupee.

III. And it is hereby enacted, that all Copper Coins of the weights specified in Section I. of this Act, which may have been issued since the passing of Act XXI. of 1835 from any Mint within the Presidency of Bombay, shall be legal tender respectively for the values specified in Section II. of this Act within that Presidency.

IV. Provided always, that none of the said Copper Coins shall be legal tender except for fractions of a Rupee.

Act No. I. of 1845.

Passed on the 11th January 1845.

An Act to amend Act No. XII. of 1841, entitled "An Act for Amending the Bengal Code in regard to Sales of Land for Arrears of Revenue."

Whereas it is found expedient to amend the existing law for the realization of the Land Revenue—

I. It is hereby enacted, that, from the last day of February 1845, the third and following Sections of Act No. XII. of 1841 are repealed.

II. And it is hereby enacted, that, if the whole or a portion of a kist or instalment of any month of the era, according to which the settlement and kist bundee of any Mehal have been regulated, be unpaid on the first of the following month of such era, the sum so remaining unpaid shall be considered an arrear of Revenue.

III. And it is hereby enacted, that, upon the promulgation of this Act, the Sudder Board of Revenue at Calcutta shall determine upon what dates all arrears of Revenue and all demands, which by the Regulations and Acts in force are directed to be realized in the same manner as arrears of Revenue, shall be paid up in each permanently settled District or Zillah under their jurisdiction; in default of which payment the Estates in arrear in those Districts, except as hereinafter provided, shall be sold at public auction to the highest bidder; and the said Board shall give notice of the dates so fixed in the Official Gazettes, and shall direct corresponding publications to be made as far as regards each District, in the language of that District, in the office of the Collector or Deputy Collector, or other officer duly authorised to hold sales under this Act, in the Courts of the Judge, Magistrate, or Joint Magistrate, (as the case may be,) Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, and at every Thannah Station of that District; and the dates so fixed shall not be changed, except by the said Board by advertisement and notifications in the manner above

described, to be issued at least three months before the close of the official year preceding that in which the new date is, or dates are, to take effect.

IV. And it is hereby enacted, that, in Districts not permanently settled and in the province of Benares, no sale shall take place for arrears of Land Revenue or other demands of Government, without the special sanction of the Sudder Board of Revenue, previously obtained in each several case of sale. Provided, that the said Board, at the time of authorizing such sale, shall fix the latest day on which in each case such arrears or demands shall be received.

V. Provided always, and it is hereby enacted, that no Estates shall be sold for the recovery of arrears or demands of the descriptions mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand and the latest date on which payment thereof shall be received, shall have been affixed. for a period of not less than fifteen clear days preceding the date fixed for payment according to Section III or IV of this Act, as the case may be, in the office of the Collector, or other officer duly authorized to hold sales under this Act, in the Court of the Judge within whose jurisdiction the land advertised lies, in the Court of the Principal Sudder Ameens and Sudder Ameens of the District, and in the Moonsiff's Court and Police Thannah of the Division in which the Estate to which the Notification relates, or a part of it, is situated—the same to be certified by the receipt of the officer at whose office such Notification may have been affixed ; and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, the same to be certified by the Peon or other person employed for the purpose.

First.—Arrears due from Estates in the Province of Benares.

Secondly.—Arrears due from Estates not permanently settled.

Thirdly.—Arrears other than those of the current or of the preceding year.

Fourthly.—Arrears due on account of Estates other than that to be sold.

Fifthly.—Arrears of Estates under attachment by order of any Judicial authority.

Sixthly.—Arrears due on account of Tuccavee, Poolbundee, or other demands, not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

VI. And it is hereby enacted, that the Collector or other officer duly authorised to hold sales under this Act, shall, as soon as possible after the latest day of payment fixed in the manner prescribed in Section III. or IV. of this Act, issue Notifications in the language of the District, to be affixed in his own office and in the Court of the Judge of the District, and to be published in the Official Gazettes, specifying the Estate or Estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than fifteen or more than

thirty clear days from the date of affixing the notification in the office of the Collector, or other officer as aforesaid. And, except as hereinafter provided, all Estates so specified, shall, on the day notified for sale, or on the day or days following, be put up to public auction by, and in the presence of, the Collector, or other officer as aforesaid, and shall be sold to the highest bidder. And no payment, or tender of payment, made subsequent to sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale or after its conclusion.

VII. And it is hereby enacted, that, whenever an Estate is notified for sale as provided by Section VI. of this Act, the Collector or other officer as aforesaid shall affix a proclamation in the language of the District in his own office, and as soon thereafter as may be in the Moonsiff's Courts and Police Thannahs within which the Estate, or any part of it, is situated, and also at the Cutcherry of the Malgoozar of the Estate or at some conspicuous place upon the Estate, forbidding the ryots and under-tenants to pay rent to the defaulting proprietor from the date of the day after that fixed for the last day of payment, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid after the date aforesaid.

VIII. And it is hereby enacted, that no claim to abatement or remission of Revenue, unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever, held, or supposed to be held, by any defaulter against Government, shall bar a sale, or render a sale, under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale, or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute; and unless, after application in due time made by the defaulter, the Collector shall have neglected, or refused, on insufficient grounds, to transfer it to the credit of the Estate.

IX. And it is hereby enacted, that Collectors shall, at any time before sunset of the latest day of payment, receive as a deposit from any party, not being a Proprietor of the Estate in arrear, the amount of the arrear of Revenue due from it, to be carried to the credit of the said Estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a Proprietor of the Estate. And in case the party so depositing, whose money shall have been credited to the Estate in the manner aforesaid shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same, or any part thereof, it shall be competent to the Judge of the Zilllah in which such Estate is situated to order the said party to be put into temporary possession of the said Estate, subject to the rules in force for taking security in the cases of appellants and defendants. And if the party depositing, whose money shall have been credited as aforesaid, shall prove before a competent Civil Court, that the deposit was made in order to protect an interest of the said party, which would have

been endangered or damaged by the sale of the Estate, he shall be entitled to recover the amount of the deposit with interest, from the Proprietors of the said Estate.

X. And it is hereby enacted, that no Estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards; and no Estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance, duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. of 1822, shall be sold for arrears of Revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years; and no Estate held under attachment by the Revenue Authorities, otherwise than by order of a Judicial Authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no Estate held under attachment by a Revenue Officer, in pursuance of an order of a Judicial Authority, shall be liable to sale for the recovery of arrears of Revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Collector, at any time before the sale of an Estate shall have commenced, to exempt such Estate from sale; and in like manner, it shall be competent to the Commissioner of Revenue, at any time before the sale of an Estate shall have commenced, to exempt such Estate from sale, by a special order to the Collector to that effect in each case; and no sale of an Estate shall be legal, if held after the receipt of an order of exemption in respect to such Estate. Provided, however, and it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; And provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other officer duly authorized by Government in that behalf, in the Land Revenue Cutcherry at the Sudder Station of the District. Provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry, whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted, that in case the Collector, or other officer as aforesaid, shall be unable, from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday,

(recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry,) and so on from day to day, until he shall be able to commence upon or to complete the sale; but with the exception of adjournments so made, recorded and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

XIV. And it is hereby enacted, that, on the day of sale fixed according to Section VI. of this Act, sales shall proceed in regular order—the Estate to be sold bearing the lowest number on the Towjee or Registers in use in the Collector's Office of the District, being put up first; and so on, in regular sequence; and it shall not be lawful for the Collector or other officer as aforesaid, to put up any Estate out of its regular order by number, except where it may be necessary to do so on default of deposit as provided in Section XV. of this Act.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an Estate at any such public sale as aforesaid shall be required to deposit immediately, or as soon after the conclusion of the sale of the Estate as the Collector may think necessary, either in Cash, Bank of Bengal Notes, or Post Bills, or Government Securities, duly indorsed, 25 per cent. on the amount of his bid, and in default of such deposit, the Estate shall forthwith be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the Estate bought by him took place, reckoning that day as one of the thirty; or if the thirtieth day be a Sunday, or other close holiday, then on the first office day after the thirtieth; and in default of payment within the prescribed period as aforesaid, then and afterwards, as often as such default shall occur, the deposit shall be forfeited to Government, the Estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the Estate, or to any part of the sum for which it may subsequently be sold. And in the event of the proceeds of the sale, which may be eventually consummated, being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public Revenue; and it shall be so levied and credited to the defaulting Proprietor of the Estate sold; and if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VI. of this Act: and that such notification shall not be issued until the expiration of three clear days after the day on which the default shall have occurred. Provided also, that payment or tender of payment, by or on behalf of the Proprietor, of the arrear for which the Estate was first sold, and of the arrear which

may have subsequently become due, if such payment be made befere sunset of the day preceding the day of the notification of re-sale, and after the defaulting purchaser shall have made the deposit required by Section XV. of this Act, shall bar such re-sale.

XVII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act, if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI., or if preferred to the Collector for transmission to the Commissioner, on or before the tenth day from the day of sale, and not otherwise; and the Commissioner shall be competent, in every case of appeal so preferred, to annul any sale of an Estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act; awarding, at the same time, to the purchaser, a payment from the Proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the Proprietor, such compensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's office; and the order of the Commissioner shall, in such cases, be final.

XVIII. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue, on the ground of hardship or injustice, to suspend the passing of final orders in any case of appeal from a sale, and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case may annul the sale, and cause the Estate to be restored to the Proprietor on such conditions as may appear equitable and proper.

XIX. And it is hereby enacted, that all sales of which the purchase money has been paid up as prescribed in Section XVI. of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale as the first of the said thirty days. And sales, against which an appeal may have been preferred and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal if more than thirty days from the day of sale; or if less, then at noon of the thirtieth day, as above provided.

XX. And it is hereby enacted, that, immediately upon a sale becoming final and conclusive, the Collector or other officer as aforesaid, shall give to the purchaser a Certificate of Title in the following form:

I certify that A. B. has purchased at public auction, under Act No. I of 1845, Mehal C. and that his purchase has taken effect on and since the——day of——, (being the date of the day after that fixed for the last day of payment.)

(Signed) D. E., *Collector.*

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the Estate sold being vested in the person or persons named from the date specified; and the Collector shall also notify such transfer by written proclamation in his Cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions within which any part of the Estate sold shall be situated, and also at the Cutcherry of the Malgoozar of the Estate, or on some conspicuous place on the Estate; and shall apply the purchase money first to the liquidation of all arrears due upon the latest day of payment; and secondly, to the liquidation of all outstanding demands debited to the Mehal in the public accounts of the District, holding the residue, if any, in deposit on account of the late recorded Proprietor or Proprietors of the Estate sold, to be paid to their receipt on demand in the manner following; to wit, in shares proportioned to their recorded interest in the Estate sold, if such distinction of shares were recorded, or, if not, then as an aggregate sum to the whole body of Proprietors upon their joint receipt. Provided that, if prior to payment of any surplus that may remain of the purchase money, after liquidation of all Government arrears and dues to the Proprietor of the Estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the Proprietor by attachment, except under precept, and in satisfaction of decrees of Court for such debts. And if the balance of purchase money have in any such case been paid away in liquidation of the Proprietor's just debts by order of any Court, and a decree shall afterwards pass for annulling the sale, the Proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

XXI. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other officer as aforesaid, in the same manner as the becoming final and conclusive of sales is required to be notified by Section XX of this Act, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current Public Securities, from the dates on which they were respectively paid in to the date on which the refund is actually made.

XXIII. And it is hereby enacted, that the party certified as the Proprietor of an Estate by purchase at public sale for the recovery of arrears of Revenue shall be answerable for all instalments of the Revenue of Government, which may fall due subsequently to the *latest* day of *payment aforesaid.*

XXIV. And it is hereby enacted, that no sale for arrears of Revenue or other demands realizable in the same manner, made after the taking effect of this Act shall be set aside by a Court of Justice, except upon the ground of its having been made contrary to the provisions of this Act: and except the contravention thereto shall have been declared and specified in an appeal made to the Commissioner under Section XVII. of this Act, and except the action in the Civil Court be instituted within one year from the date of the sale becoming final and conclusive, as provided in Section XIX. of this Act, and no person shall be entitled to contest the legality of a sale after having received any portion of the purchase money. Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed so as to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action, for damages against the individual by whose act or omission he considers himself to have been wronged.

XXV. And it is hereby enacted, that in the event of a sale being reversed by a final decree of a Court of Justice, the purchase money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current Public Securities.

XXVI. And it is hereby enacted, that the purchaser of an Estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled Districts of Bengal, Behar, Orissa, and Benares, shall acquire the Estate free from all incumbrances which may have been imposed upon it after the time of settlement, and shall be entitled, after notice given under Section X. Regulation V. 1812, to enhance at discretion (anything in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said Estate, and to eject all tenants thereof, with the following exceptions:

First.—Tenures which were held as Istemraree or Mocurreree at a fixed rent, more than 12 years before the Permanent Settlement.

Secondly.—Tenures existing at the time of the Decennial Settlement, which have not been, or may not be, proved to be liable to increase of assessment, on the ground stated in Section LI., Regulation VIII. of 1793.

Thirdly.—Lands held by Khood Kasht, or Kudeemee Ryots, having rights of occupancy at fixed rents, or at rents assessable according to fixed rules under the Regulations in force.

Fourthly.—Lands held under *bonâ fide* leases, at fair rents, temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly.—Farms granted in good faith at fair rents, and for specified arrears by a former Proprietor, for terms not exceeding twenty years, under written leases, registered within a month from their date. Provided that a written notice, specifying full particulars of the position, rent, and area of the lands, the terms of the lease and the names of the parties shall, at the same time, be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the Public Revenue will be materially affected thereby. The exception declared in this Clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his Office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an Estate at a sale for arrears of Revenue shall be at liberty, by suit in Court, to set aside all such farms, although the same be under written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

XXVII. And it is hereby enacted, that the purchaser of an Estate sold under this Act for the recovery of arrears due on account of the same, in Districts other than those mentioned in Section XXVI., shall acquire the Estate free from all incumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like settled or credited by the first engager or his representatives, subsequently to the last settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except *bonâ fide* leases of ground for the erection of dwelling houses or buildings, or for Offices thereunto belonging, or for gardens, tanks, canals, water-courses, or the like purposes; which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid, than was demandable by the former Malgoozar, except in cases in which such persons may have held their lands under engagements stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former Malgoozars from the old established rates, by special favor, or for a consideration or the like, or in cases in which it may be proved that, according to the custom of the Purgunnah, Mouzah, or other local division, such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

XXVIII. And it is hereby enacted, that it shall be competent to the Local Government, when it shall seem proper, at any time before a sale for arrear shall have been actually made, to direct it to be made subject to the leases, assignments, or other incumbrances, with which a Proprietor in possession, his ancestor, or predecessor, may have burthened his assessed Estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct. Provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that by reason of the restriction, the future realization of the Revenue will be endangered, it shall be competent to the Local Government, at any time before such restricted sale shall have become final and conclusive, in the manner laid down in Section XIX. of this Act to direct the sale to be cancelled, and a new sale of the Estate to be made without other restrictions than those contained in the exceptions specified in Clauses 1 to 5 of Section XXVI. of this Act. If after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an Estate purchased with a restriction of the above description, it shall at all times be competent to the Local Government to direct that the *Mehal* shall be sold without any other restrictions than those contained in the exceptions specified in Clauses 1 to 5 of Section XXVI. of this Act, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed, in a large amount, the sum obtained at the restricted sale, it shall further be competent to the Local Government to direct a portion, or the whole of the excess to be paid to persons whose interests, having been reserved at the first, shall become void at the second sale.

XXIX. And it is hereby enacted, that excepting Co-partners of Estates under Butwarrah, who may have saved their shares from sale under Sections 33 and 34, Regulation XIX., 1814, any recorded or unrecorded Proprietor or Co-partner who may purchase in his own name, or in the name of another, the Estate of which he is Proprietor or Co-partner, or who, by re-purchase or otherwise, may recover possession of the said Estate after it has been sold for arrears under this Act; and likewise any purchaser of an Estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the Estate subject to all its incumbrances existing at the time of sale, and shall not acquire any rights in respect to royts and under-tenants, which were not possessed by the previous Proprietor at the time of the sale of the said Estate.

XXX. And it is hereby enacted, that arrears of rent which, on the latest day of payment, may be due to the defaulter from his tenants, shall, in the event of a sale, be recoverable by him after the said latest day, by any process except distraint,

which might have been used by him for that purpose, on or before the said latest day.

XXXI. And it is hereby enacted, that any Collector or officer exercising the powers of Collector, in respect to sales, shall be competent to punish any contempt committed in his presence in open Cutcherry or Office for the time being, by fine, to an extent not exceeding Co.'s Rs. 200, commutable, if not paid, to imprisonment in the Civil Jail for a period not exceeding one month; and the Magistrate, to whom such an offender may be sent by a Collector as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

XXXII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV. of this Act shall be held to be a contempt.

XXXIII. And it is hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa, and Benares, now subject to the General Regulations, and to the Ceded and Conquered Provinces similarly subject to the General Regulations, under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the Town of Calcutta, or the Settlements of Singapore, Penang or Malacca.

Act No. II. of 1845.

Passed on the 18th January 1845.

An Act for regulating the punishment of Adultery in the Courts of the East India Company, in the Territories subject to the Presidency of Bombay.

I. It is hereby enacted, that whenever any person shall be convicted of the offence of adultery by any of the Courts of the East India Company within the territories subject to the Presidency of Bombay, such person shall be sentenced to fine, or imprisonment, or both, at the discretion of the Court, and shall not be sentenced to any other punishment whatever, any Law or Regulation to the contrary notwithstanding.

II. And it is hereby enacted, that no person shall be admitted to prosecute any woman for adultery other than the husband of such woman, and that no person shall be admitted to prosecute any man for adultery other than the husband of the woman with whom such man is alleged to have committed adultery.

ACT No. III. OF 1845.

Passed on the 15th February 1845.

AN ACT vesting Courts of Appeal with the discretion to require or dispense with Security for Costs from the Appellant.

Whereas it is not now by law necessary within the territories subject to the Presidency of Fort William in Bengal, to take any Security for Costs in appeals before the Sudder Courts—and whereas no security for Costs is now required by law in appeals from the decisions of Moonsiffs—and whereas it is expedient that appeals from all Courts should be put in this respect upon a uniform footing:—

It is therefore hereby enacted, that, within the said territories it shall not be necessary in any Court of Appeal of the East India Company to take any security for Costs, but it shall be in the discretion of every such Court of Appeal to demand security for Costs from the appellant or not, as it shall see fit, before the Respondent is called upon to answer,—any Law or Regulation to the contrary notwithstanding.

ACT No. VIII. OF 1845.

Passed on the 19th April 1845.

AN ACT for amending Section 75, and Chap. 17, of Regulation 4, of 1827 of the Bombay Code.

Whereas it has been deemed expedient to amend Section 75 and Chapter XVII. of Regulation IV. of 1827 of the Bombay Code, under which security for the payment of costs or the performance of the orders of a Civil Court is demanded from public Officers, in cases of appeal which are carried on under the authority and at the expense of Government:

It is hereby enacted, in modification of the Law above mentioned, that, from the date of promulgation of this Act, no security shall be demanded for the payment of costs or the performance of the orders of a Civil Court from any public Officer, in cases of appeal which are carried on under the authority and at the expense of Government in the Bombay Presidency.

ACT No. X. OF 1845.

Passed on the 17th May 1845.

AN ACT for empowering Courts to issue Warrants in cases of failure to serve Summons.

It is hereby enacted, that in the territories subject to the Government of the East India Company, except the local jurisdiction of the Supreme Courts, whenever, in any Criminal case, a Summons to the defendant is by law the first process, it shall be lawful for any Court which has issued a Summons in such case, to issue a

Warrant for the apprehension of the defendant in such case, upon proof that due diligence has been used to serve such Summons upon the defendant, and that the officer or other person whose duty it may be to serve such Summons upon the defendant has been unable to serve such Summons; any Law or Regulation to the contrary notwithstanding.

Act No. XI. of 1845.

Passed on the 24th May 1845.

An Act for the better Collection, Management and Disbursement of certain Public Funds and Monies, for Police and Municipal purposes, throughout the Islands of Bombay and Colaba.

I. It is hereby enacted, that Sections 16, 27 and 28, and Chapter 3 of Regulation XIX, of 1827, of the Bombay Code, be repealed.

II. And it is hereby enacted, that the powers of Her Majesty's Justices, under Section 158 of 33 Geo. 3, Chapter 52, shall be held to extend over the whole of the Islands of Bombay and Colaba.

III. And it is hereby enacted, that any person chargeable with any rate or tax on account of any Houses, Buildings or Grounds or of any Shop or Stall, or of any Carriages, Carts or Horses, or any other matter or thing, shall upon the order of any two or more Justices make a true return in writing of the annual value of all such Buildings, Houses and Grounds, and of all such Shops or Stalls, Carriages, Carts or Horses, and other matter or thing, and any person who shall refuse or neglect to deliver such return, within eight days after being required so to do, or shall wilfully make a false return, shall be liable to a fine not exceeding Two Hundred Rupees.

IV. And it is hereby enacted, that it shall be lawful for the Justices, for the better identifying of any House or Building chargeable with any assessment, to cause a number to be painted or fixed upon such House or Building: and it is hereby enacted, that any person who shall obliterate, deface or destroy such number shall be liable to a fine not exceeding Two Hundred Rupees.

V. And it is hereby enacted—

1. That it shall be lawful for the Collector of Land Revenue of Bombay to make a Quarterly Assessment on each and every Shop and Stall within the Islands of Bombay and Colaba, according to such rates as the said Governor in Council shall fix by proclamation in the *Government Gazette*.

2. That the amount of such Assessment shall be collected by the Collector and received in the first instance by such person or persons as he may appoint, such

Security having been given for the due discharge of the office as the said Collector may require, and the same liabilities and responsibilities as attached to individuals employed in the collection of Land Revenue of the said Presidency shall apply to all persons engaged in collecting the Tax.

3. That the Tax shall be collected quarterly, and for each payment made, a receipt, signed by the Collector, shall be given by the person receiving the amount.

VI. And it is hereby further enacted, that all religious Edifices, all temporary Houses, Bungalows, or other temporary Buildings situated within the limits of Military Cantonments, and occupied by European and Native Officers, or by the Soldiers and Sepoys of Her Majesty's and the Company's Army, shall be exempted from the payment of any Assessment.

VII. And it is hereby enacted, that the several sums of Money specified under the following heads, shall, in future, be disbursed in the manner provided by this Act, *viz:*—

All Sums of Money which shall hereafter be collected under the authority of—

The Statute 33 Geo. 3, Cap. 52, Sec. 158.

Rule, Ordinance, and Regulation II. of 1812, Art. 2 and 6.

Rule, Ordinance, and Regulation II. of 1813.

Proclamation dated 23d July 1817, by the Governor in Council of Bombay, of an Order of the Court of Directors, dated 29th January 1817, made under the authority of the Charter of the Court of Requests of Bombay, dated 8th January 1753, save and except the Fees thereby made payable to the Clerk of the said Court for his own benefit.

Rule, Ordinance, and Regulation I. of 1818.

Rule, Ordinance, and Regulation II. of 1827.

Regulation XIX. of 1827, c. 2, 4, 5 and 6.

Act No. XXVIII. of 1839.

And Section 5 of this Act.

All Sums of Money which shall be levied by the Court of Petty Sessions, or by the Magistrates of Police of Bombay, or by any of Her Majesty's Justices of the Peace within the Islands of Bombay and Colaba, on account of any fines or penalties imposed by them for the breach of any Rule, Ordinance or Regulation, or of any Act of the Parliament of Great Britain, or of any Act of the Government of India.

All Sums of Money which shall be collected under Act V. of 1842, on the granting of any Licenses for the Sale of Spirituous or other Liquors within the Town and Islands of Bombay and Colaba, after payment thereout of the expenses of such Office Establishment and of such expenses incidental thereto as may be fixed and approved by the Governor in Council of Bombay.

And all unapplied balances which at the time of the passing of this Act may be in the General Treasury to the credit of the County or Assessment Funds, or in the possession of the said Court of Petty Sessions, or of the Magistrates of Police, or any of Her Majesty's Justices of the Peace derived from any of the above enumerated sources.

VIII. And it is hereby enacted and provided, that nothing in this Act shall extend or apply to any fines imposed by the Collector of Customs of Bombay in his office and character of Collector, nor to such portion of any of the fines which the Court of Petty Sessions, or either of the Magistrates of Police may, in their discretion order, and which they are hereby authorized to order, to be paid to any Prosecutor or his Witnesses, as and for compensation for loss of time, or for costs necessarily incurred by him in prosecuting the offences for which such fines or penalties may have been ordered to be paid.

IX. And it is hereby enacted, that all Sums of Money which are by the said Act No. XXVIII. of 1839, ordered to be paid out of the Fund, therein called the County Fund, for the purposes in such Act specified, shall henceforth be paid out of the Fund in this Act designated the Municipal Fund.

X. And it is hereby enacted, that the several sums of money referred to in Section VII. of this Act, shall, when collected and received, save and except so much as is otherwise provided for, be paid into the General Treasury, and form a Fund to be denominated the Municipal Fund, and such Fund shall be placed under the supervision and control of Her Majesty's Justices of the Peace in Sessions assembled, or such other persons as to the Government of Bombay may seem most fit, and that for the administering the same and carrying this Act into effect, an executive body shall be formed, which shall be denominated the Board of Conservancy, which shall be composed of Seven Members, of whom the Senior Magistrate of Police shall be Chairman, and the Collector of Bombay, Ex-Officio a Member, and the other five Members shall consist of two European and three Native Resident Justices, who shall be elected by Her Majesty's Bench of Justices or by such other persons as the Government of Bombay may appoint to supervise and control the Fund, and shall remain in office for a period of three years, when a fresh election of five other Justices, to form such Board of Conservancy, shall be made by the said Bench, or persons appointed for the purpose by the Government of Bombay, and so on at the end of every three years successively a like new election shall take place, but nothing shall prevent the re-election of the same Justices or any one or more of them to form the said Board, if, in the discretion of the Bench, or other persons appointed to superintend and control the Municipal Fund, it shall be deemed advisable for the interests of the public, and in the event of a vacancy occur-

ring, by death or otherwise, among any of the said five Members, the said Bench or persons vested with the power by the Governnent of Bombay, shall, as soon as convenient, elect some other Justice of the Peace to supply the said vacancy for the remainder of the three years, and until the next general election shall take place.

XI. And it is hereby enacted, that from and out of the said Municipal Fund, an annual sum of Rs. 45,000 shall in the first instance be deducted and paid by equal monthly instalments, and carried to the credit of the Governor in Council of Bombay in the General Treasury, to be applied by the said Governor in Council for and on account of the expenses of the General Police throughout the Islands of Bombay and Colaba, and in the event of such expenses being at any time hereafter increased by a necessary augmentation of the Police Force, or through any other good cause, a further sum of Money, bearing the same proportion to such increased expenses of the Police aforesaid, as the sum of Rs. 45,000 bears to the present expenses of the Police aforesaid, shall be in like manner deducted and appropriated out of the said Fund.

XII. And it is hereby enacted, that after the deduction and payment of such sum of Money as aforesaid, the residue of the said Fund shall be appropriated and disbursed by the said Board under and subject to the control of Her Majesty's Justices of the Peace, or other persons appointed for that purpose by the Government, for the following purposes:

1. Defraying the expenses of the Establishments necessary for the purposes of this Act.

2. Repairing, Cleaning, Draining and Lighting the Public Roads, Streets, Bridges, Tanks, Market Places and other public places of a like kind.

XIII. And it is hereby enacted, that it shall be lawful for the said Board, with the approval of Her Majesty's Justices of the Peace, or other persons vested with that power by the Government, to construct any new Roads or Streets, or other Public Works tending to the improvement of the said Islands, connected with the comfort and health of the inhabitants thereof, which in their discretion, they shall deem necessary, and for that purpose to cause Estimates and Plans to be framed and to be submitted to the Governor in Council of Bombay for his sanction, but no such new Road or Street or other Public Work, shall be constructed without such sanction of the Governor in Council first had and obtained.

XIV. And it is hereby enacted, that it shall be lawful for the said Board, with the sanction of Her Majesty's Justice of the Peace in Sessions assembled, or with the sanction of such other persons as may be vested with the control of the Municipal Fund by the Government of Bombay, to nominate and appoint, subject to the approval of the Governor in Council of Bombay—

One or more Superintendents of Repairs, Clerk to the Markets, Overseers and Scavengers, and any other Officer that may be found necessary for carrying out the purposes of this Act.

And such persons shall be under the immediate orders and control of the said Board, and shall receive such Salaries, to be paid out of the said Fund, as the said Justices or other authorities appointed by the Government of Bombay shall fix, and the Governor in Council of Bombay shall approve.

XV. And it is hereby enacted and directed, that for better enabling the said Bench or persons empowered by the Government of Bombay to supervise and control the Municipal Fund, to ascertain the amount of fines payable to the said Fund from any of the sources aforesaid, there shall in every month be laid before them a summary of all convictions and punishments pronounced and determined by the said Court of Petty Sessions, or either of the Magistrates of Police or any Justice of the Peace respectively, during the preceding month.

XVI. And it is hereby enacted, that the sums authorized to be collected under the provisions of Chapter 4 of Regulation XIX. of 1827, shall in future be collected by such person as the Governor in Council shall appoint.

XVII. And it is hereby enacted, that the said Board shall bring to account all items of receipt, and shall, as soon as practicable after 30th April of each year, render to the Governor in Council of Bombay and the Controlling Authorities, a Yearly Account of their Receipts and Disbursements under this Act, and the same shall be audited by such persons as the said Governor in Council shall appoint.

XVIII. And it is hereby enacted, that in the event of the body vested with the supervision and control of the Fund rejecting any measure submitted for their sanction by the Conservancy Board, it shall be lawful for the said Board, if they see fit, to refer the subject to the Governor in Council of Bombay whose decision thereon shall be final.

XIX. And it is hereby enacted and declared, that the terms "Police Fund," "County Fund," "Assessment Fund," used in any Rule, Ordinance or Regulation, or in any Act of the Government of India in force in the Islands of Bombay and Colaba, shall be taken to mean the "Municipal Fund" hereinbefore described.

XX. And it is hereby enacted, that all fines imposed under this Act, the recovery of which is not otherwise specially provided, shall be recovered and levied under Act No. II. of 1839.

Act No. XV. of 1845.

Passed on the 16th August 1845.

An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.

I. Whereas doubts have arisen whether the Regulation XV. of 1816 of the Bengal Code is still in force, or how much, if any, of its provisions is still in force:

It is therefore hereby declared and enacted, that the said Regulation and every provision thereof are still in force.

II. And whereas, by virtue of Regulation VIII. of 1817 of the Madras Code the Law for the Madras Army is the same as the Law hereinbefore declared and enacted for the Bengal Army, and whereas it is expedient and just that the Law should be the same for the Bombay Army also;

It is therefore hereby enacted, that the said Regulation of the Bengal Code is, extended to the Army of Bombay, except in so far as any of its provisions may be in their own nature inapplicable to that Army.

III. And whereas it is just and reasonable to extend the privileges conferred upon Native Officers and Soldiers by the Regulations aforesaid in respect of exemption from Stamps in legal proceedings;

It is hereby enacted, that all the Courts of the East India Company shall receive Plaints in original Suits, not being Suits originating in Loans or in pecuniary transactions of a Commercial nature, upon unstamped paper, when the plaintiff is a Native Officer or Soldier in the Military Establishment of the Presidency of Fort William, Fort St. George, or Bombay.

IV. Provided that the value of any Stamp from which a plaintiff may be exempted by the last preceding Section shall be charged in the Decree on behalf of Government to the Party cast, or to the Parties respectively, in such proportions as may be deemed equitable.

V. And it is hereby enacted, that if any Native Officer or Soldier shall institute a Suit under this Act, in which he is not *bonâ fide* interested, or not interested to the extent alleged in the Plaint, for the purpose of enabling some other person to avail himself fraudulently of the advantages conferred by this Act, such Native Officer or Soldier shall be liable to a fine not exceeding five times the value of the stamped paper which the party interested would have required for the institution of the Suit, otherwise than under this Act, such fine to be levied in the manner prescribed for the execution of decrees.

Act No. XVI. of 1845.

Passed on the 16th August 1845.

An Act for regulating the re-admission of Appeals after dismissal under Act XXIX. of 1841.

Whereas the provisions of Act XXIX. of 1841 are inconveniently severe as regards appeals, and it is expedient to mitigate the strictness thereof:

I. It is therefore hereby enacted, that whenever an appeal in any of the Courts of the East India Company in the Presidencies of Bengal or Madras shall, after the passing of this Act, have been dismissed under the provisions of the said Act XXIX. of 1841, it shall be competent to the Court which shall have dismissed such appeal to re-admit the same, if the Appellant shall make application for that purpose, on the Stamp prescribed for miscellaneous Petitions, within three months after the appeal shall have been dismissed, if dismissed by the Sudder Court, and within one month after the appeal shall have been dismissed, if dismissed by any other Court, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel, or by unavoidable accident.

II. And it is hereby enacted, that it shall be competent to any of the said Courts to re-admit any appeal which may have been dismissed before the passing of this Act under the provisions of Act XXIX. of 1841, if the Appellant shall make application for that purpose, on the Stamp prescribed for miscellaneous Petitions within three months after the passing of this Act, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel, or by unavoidable accident.

III. Provided always, and it is hereby enacted, that no appeal which has been re-admitted under this Act, and again dismissed under the provisions of Act XXIX. of 1841, shall be again re-admitted.

Act No. XVII. of 1845.

Passed on the 16th August 1845.

An Act for the better enforcement of the attendance of Witnesses in the Courts of the Moonsiffs, within the Presidency of Fort William in Bengal.

I. It is hereby enacted, that Clauses 1 and 2, Section XXXI. and Clause 1, Section XXXII. of Regulation XXIII. of 1814, of the Bengal Code, are repealed.

II. And it is hereby enacted, that, within the Territories subject to the Presidency of Fort William in Bengal, if any Moonsiff shall require the evidence of a person not within his local jurisdiction, and such person shall not attend at the requisition of the parties, the Moonsiff shall issue the necessary process for procuring the attendance of such person, and send the same to the Moonsiff within whose local jurisdic-

tion such person is, who shall endorse such process, and cause it to be duly served and executed.

III. And it is hereby enacted, that within the said territories all powers now exercised by Zillah Judges for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts, shall, from and after the passing of this Act, be exercised by Moonsiffs, for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts.—Provided, that all orders passed by Moonsiffs under this Act shall be subject to an appeal to the Zillah or City Judge, whose decision thereon shall be final.

Act No. XVIII. of 1845.

Passed on the 23rd August 1845.

An Act for the punishment of Offences committed by Convicts sentenced to imprisonment for life.

Whereas it is expedient that offences committed by Convicts sentenced to imprisonment for life, should be punished with greater severity than such offences are punished with in other cases:

I. It is hereby enacted, that, within the territories subject to the Government of the East India Company, except within the local limits of the jurisdiction of the Supreme Courts, and except within the Settlements in the Straits of Malacca, any Convict sentenced to imprisonment for life, or to transportation for life, who does any act, with the intention of thereby causing, or with the knowledge that he or she is likely thereby to cause the death of any person, shall, upon conviction thereof before the Sessions Court, subject to confirmation by the Sudder Court, be punished with death, or with transportation for life, or with corporal punishment not exceeding 39 stripes, whether such Convict does or does not by such act cause the death of any person.

II. And it is hereby enacted, that any such Convict as aforesaid who commits any offence whatever, other than the offences mentioned in the preceding Section, or who is guilty of violent or disorderly conduct, after having been punished by the order of the Superintendent of the Jail in which he or she is confined, shall, upon conviction thereof, before the Sessions Court, subject, if the sentence be transportation for life, to confirmation by the Sudder Court, be punished with transportation for life, or with corporal punishment, not exceeding 39 stripes.

Act No. XIX. of 1845.

Passed on the 30th August 1845.

An Act for incorporating the Assam Company.

Whereas it hath been discovered that there are, in the British Province of Assam and other the North Eastern parts of India, numerous and extensive tracts of country producing the genuine Tea Plant, and it has been ascertained that the soil and climate are in all respects adapted for the cultivation of the Tea Plant on an extensive scale:

And whereas it is considered that the cultivation and manufacture of Tea in India will be of great national importance and benefit, as well to the United Kingdom as to the British Territories in India, and the same may be advantageously prosecuted on a scale beyond the resources and enterprize of individual Capitalists, and a Society or Company hath been lately formed for the purpose of prosecuting and extending the said culture and manufacture, with a Capital of Company's Rupees 50,00,000, in 10,000 Shares of Company's Rupees 500 each, and certain grants of land have been already made to the said Company in Assam and the North East parts of India aforesaid, and establishments have been formed by the said Company for the purposes of the said culture and manufacture, and are now in operation:

And whereas the whole 10,000 Shares have been subscribed for and appropriated, and the Proprietors have actually paid up Company's Rupees 20,00,000 of the said Capital of Company's Rupees 50,00,000, and the several Subscribers are willing at their own expense to carry on the said culture and manufacture, and it would tend much to the convenience and advantage, as well of the said Subscribers as of the public, that they should be incorporated in the manner hereinafter mentioned and provided:

And whereas it is considered, that there are in Assam other articles and products of indigenous growth, or to which the soil and climate are also adapted, the culture and preparation of which may be carried on with great advantage and profit by the said Company, as incidental to, or in connection with, their Tea cultivation and establishment, and whereas it is desirable that provision should be made for enabling the said Company, if they shall think fit, to avail themselves thereof, and for enabling them to increase their Capital Stock:

And whereas several of the persons hereinafter named had been appointed and acted as a Provisional Committee for the purpose of forming and establishing the said Company and commencing the business thereof, and the said Company has since been constituted under the provisions of a Deed of Association, bearing date the 31st day of January 1840, and made between the several persons whose names are thereunder subscribed, and whose seals are thereunto affixed, (except the several per-

sons, parties thereto of the second and third parts,) of the first part, Sir William Baynes, Baronet; Richard Twining; Thomas Weeding; John Alliston; Andrew Henderson; Francis Fox and William Cracroft, therein respectively described, of the second part; and Sir George Gerard de Hochepied Larpent, Baronet; John Small; Alexander Rogers; Foster Reynolds; John Travers; William Manning; William R. Robinson and Ross Donnelly Mangles, therein also respectively described of the third part: and under which deed the business of the said Company has been commenced and carried on; and whereas in such Deed provision was made for confirming the several Acts, Deeds, Matters and Things executed and performed by the Provisional Committee in that capacity:

And whereas it is expedient that like provision should be made herein, and also provision for vesting, continuing and establishing in, for, and against the Corporate Body hereby created after (and notwithstanding their Incorporation) all and such property, rights, contracts and liabilities whatever, as the said existing Society or Company are, or but for such Incorporation would be, possessed of, entitled, or liable to:

I. It is therefore hereby enacted, that James Pattle, Charles Hay Cameron, Dwarkanauth Tagore, William Prinsep, Alexander Rogers, Henry Barclay Henderson, James Prinsep, Edward Harding, James Colquhoun, James Church, Henry Chapman, John Lowis, John Farley Leith, Thomas Charles Morton, Mutty Lall Seal, William Richard Young, James Young, Archibald Sconce, Richard Walker, Henry Meredith Parker, Edward Cockburn Ravenshaw, Charles Raikes, John Storm, George Shearwood, James Charles Colebrooke Sutherland, Samuel Smith, John Deans Campbell, John Carrington Palmer, William Soltan Pillans, Prosunno Coomar Tagore, Ramanath Tagore, Cuthbert Bensley Thornhill, Thomas Scott, Thomas Sewell, Francis Dashwood, Charles Dundas Mitchell, Alexander Garroch Mackenzie, Henry Augustus Woollaston, Francis P. Mendes, William Henry Jones, Peter Innes, Robert John Lattey, Jenkins Llewelyn, John Jenkins, Arthur Pittar Lattey, Andrew Henderson, John Grant, Alexander Garden, William Cobb Hurry, Henry Holroyd, Robert Becher, Daniel Elliot, Edward Garstin, John Becher, James Cullen, Thomas Hyde Gardiner, Donald McLeod Gordon, William Henry Harton, Thomas Henry Hockley, J. M. Hill, Thomas Bracken, John Carr, Theodore Dickens, Charles Deverinne, William Pringle Downing, John Calder, Henry Burkinyoung, Charles John Burkinyoung, Roderick Mackenzie, John Williamson Macleod, John Muller, E. Elphinstone, J. D. Mullins, Richard Bird, Alfred Parker, C. J. Pittar, Henry Piddington, George Rogers, William Rushton, James Sydney Stopford, Robert Scott Thomson, C A. Vertannes, William Greenway, R. S. Homfray, Francis Augustin, Richard J. Chambers, Aga Mahomed Ibrahim, Bissonauth Muttyloll, Brijonauth Dhur, Doorgachurn Dhur, Additchund Dutt, Jooroopersaud Bose, Courmohun Gossain, Hadjee Mirza Mehdi Ispahanee, Luckinarain Dutt, Megnarain Roy, Muddenmohun Chatterjee,

Nubkissen Sing, Nilcomol Ghose, Prawnkissen Law, Prawnkissen Bagchee, Rajah Radacant Deb, Radamadub Dutt, Ramchand Dhur, Rajchunder Mookerjee, Rajbullub Seal, Radacant Mitter, Shaik Allum Ullah, Sreecant Bannerjee, Seetanath Bose, Woomachurn Bose, and all other persons and corporations who have subscribed to, or shall hereafter subscribe towards the said undertaking, and their several and respective Successors, Executors, Administrators and Assigns, shall be, and they are hereby united into a Company for the purposes herein declared, and shall constitute and be one Body Corporate by the name and style of the "Assam Company," and by that name shall have perpetual succession, and a common seal, and by that name shall and may sue and be sued.

II. And it is hereby enacted, that it shall be lawful for the said Company to carry on, prosecute and extend the cultivation of the Tea Plant in the lands which have already been granted to the said Company in Assam and the North-East parts of India aforesaid, and to manufacture and dispose of the Tea the growth thereof, and generally to carry on the business of cultivating the Tea Plant, and manufacturing or preparing the same for sale and exportation, and for such purposes to take and hold or make any such grants, leases or purchases, or other acquisitions of land in perpetuity, or for any term of years, as the Governor-General in Council shall approve, such approval to be signified in writing under the hand of one of the Secretaries to the Government of India, and, if requisite, to sell, dispose of, and alienate the same respectively, and to form, erect and make all such establishments, buildings, works and conveniences, as the said Company shall think proper, and generally to use all such other ways and means as to the said Company shall seem meet for carrying into effect the objects aforesaid; and also (if they shall deem it advisable) to engage in or porsecute the cultivation, manufacture or preparation of all and any such other products and articles as may be found expedient for or incidental, or assistant to, the production of Tea. Provided always that the said Company shall not engage in or prosecute the cultivation, manufacture, or preparation of Opium, Coffee or Sugar.

III. And it is hereby enacted, that the Capital of the said Company shall consist of Company's Rupees 50,00,000, to be contributed in 10,000 Shares of Company's Rupees 500 each, which shall be the original Capital of the said Company, and of such further sum as may be raised by the creation and sale of new shares as hereinafter provided for. Provided always that it shall and may be lawful for the said Company, at any time, and from time to time, to increase the Capital of the said Company to any amount not exceeding One Crore of Company's Rupees altogether, by the issue of fresh Shares, of Company's Rupees 500 each, upon such terms as to them shall seem fit.

IV. Provided always and it is hereby enacted, that it shall not be lawful for the said Company to raise money by way of loan to a greater amount than one-fifth of the Capital of the said Company.

V. And it is hereby enacted, that all and every the Grants of Land already made, obtained, or contracted for, by the said Society or Company, in the names of any Director or Directors thereof, or any person or persons, and the plantations and works made and erected thereon, and the produce thereof, and all offices, warehouses, and buildings, and all articles whatsoever upon or appertaining thereto, or used therewith, and all property, real and personal, goods, articles, and things whatsoever purchased, taken, bought, grown, produced or otherwise acquired for the purposes of the said Company, and all the estate, right, title and interest whatsoever therein, both at Law and in Equity, to all intents and purposes, shall henceforth vest in and belong to the said "Assam Company," and their successors in their corporate capacity, and that no individual subscriber or shareholder thereof shall, as such, have or pretend to any estate, ownership or property therein.

VI. And it is hereby enacted, that the said Company shall have full power to make and constitute any Bye-Laws, Rules and Regulations, not repugnant to Law or to this Act, for and relating to the government and affairs of the Company, and for the government and guidance of the Directors and Officers, and from time to time to rescind, alter, and vary the same, and that the provisions of the said Deed of Association shall, until duly altered or abrogated, constitute and be deemed the first Bye-Laws, Rules and Regulations of the said Company, and shall have and take effect as such, so far and in such particulars as the same are not repugnant to Law or this Act.

VII. Provided always and it is further enacted, that nothing herein contained shall be construed to render illegal or invalid any General or other Meeting of the said Company, or of the managing body thereof, or any election, resolution, or other proceeding whatsoever held, made, or passed thereat, by reason of the same being held in pursuance of the said Bye-Laws, Rules and Regulations so contained in the said Deed of Association.

VIII. And it is hereby enacted, that a General Meeting of the said Company shall be held at the principal office or place of business of the said Company at Calcutta, twice at the least in every year, and oftener, when and if need shall be, the time of holding which periodical Meetings, and the form and mode of requisition for holding special or extraordinary Meetings, and of advertizing and giving notice thereof respectively, shall be settled and determined by a Bye-Law or Rule of the said Company. And that at all such General Meetings, whether periodical or special, every

Proprietor, holding 5 Shares and less than 20 Shares, shall be entitled to 1 vote; 20 and less than 50 Shares, to 2 votes; 50 and less than 100 Shares to 3 votes; 100 Shares and upwards, to 4 votes; but that no Proprietor shall be entitled to vote who shall not hold at least 5 Shares; provided, however, that except as to the present Proprietors of the said Company and the Shares now held by them, only the Shares in respect of which any Proprietor shall claim to vote shall have been held for such period of time as is or shall be required by Bye-Law of the said Company; provided always and it is hereby enacted that votes given by proxy, according to any Bye-Law, Rule, or Regulation of the said Company, shall be deemed to be as valid and effectual as if given in person.

IX. And it is hereby enacted, that at such periodical Meetings as aforesaid, the Books and Accounts of the said Company shall be produced and exhibited for the inspection, examination and approval of Subscribers or Shareholders at large, and that at each of such periodical Meetings there shall be produced and presented by the Directors, or other Officers of the said Company for the time being, a true account in abstract and balance sheet showing the whole of the receipts and disbursements and operations of the said Company, commencing from the date of their next preceding periodical Meeting, and Account brought down to the date of holding such periodical Meeting at which the same shall be produced, or as near thereto as conveniently may be, and that such abstract account and balance sheet, when examined, approved or passed by such or any subsequent Meeting, shall immediately be published in the *Government Gazette* of Calcutta, and in two public Newspapers of general circulation at Calcutta aforesaid.

X. And it is hereby enacted, that all payments already made on account of the Shares subscribed for in the said Company shall be deemed valid and effectual payments, and are hereby acknowledged and confirmed.

XI. And it is hereby enacted, that a Certificate, signed by three Directors of the said Company, shall be delivered to every Proprietor or shareholder of the said Company, and that any Share of the said Company shall be transferable by indorsement made on the Certificate representing such Share or Shares respectively by the holder thereof, provided that such indorsement shall specify the name of the party to whom such transfer is made. Provided always that no such indorsement shall be effectual to transfer any Share or Shares until the transfer shall have been registered in a registry to be kept for that purpose at the principal office in Calcutta of the said Company, and until a note of such registration aud of the date thereof shall have been made on the back of the indorsed Certificate, under the hand of the Secretary of the said Company for the time being, or of such other officer as shall be appointed by the said Company for that purpose.

XII. And it is hereby enacted, that the Shares of and in the said Company shall, as between the several proprietors thereof, and their real and personal representatives and all other persons claiming under them, be deemed to be personal Estate to all intents and purposes whatsoever, and be transmitted and transmissible and disposed of accordingly.

XIII. And it is hereby enacted, that for the purpose of satisfying any demands upon the said Company, or for the purpose of raising any further Capital that shall become requisite for the purposes aforesaid, the several Subscribers or Shareholders shall pay up the whole or any part of the unpaid amount of their respective Shares by instalments, to be called for by such persons in such manner, and to be paid at such times and places and manner as shall be appointed for that purpose by any Bye-Law or Regulation of the said Company.

XIV. And it is hereby enacted, that it shall be lawful for the said Company, by Bye-Law or Rule, to provide that if any such instalment be not paid on or before the day fixed for the payment thereof, interest after any legal rate, to be appointed by such Bye-Law or Rule, shall be paid upon such instalment, from such day up to the day when the same shall be actually paid, and the amount of any such call with interest shall be a debt due to the said Company; and it shall be lawful for the said Company in like manner to make any provision or provisions for the forfeiture of any Share or Shares on the non-payment of any such instalment and interest, or the restoration of any forfeited Share or Shares. Provided, that no such forfeiture shall be incurred until after default shall have been made for at least three calendar months.

XV. And it is hereby enated, that the said Company shall have the benefit of and shall be bound by all the Contracts, Acts, Deeds, Matters and Things which up to the passing of this Act, have been done, executed, and performed by the Provisional Committee, or the Partnership Association constituted under the said Deed of the 31st January 1840, and hitherto known as the Assam Company, for the purpose of forming and establishing the said Company, or by, or with their or any of their order, direction or sanction in regard thereto, or to the business, or the funds, or property, thereof, or in any wise relating thereto. And the said Company shall and may, in manner hereinmentioned and provided in that behalf, sue and be sued thereon, and in respect thereof, and shall have and be subject to the like rights and liabilities in respect thereof, as the said Partnership Association or the Members thereof would have been.

XVI. And it is hereby enacted, that a copy of the Original Deed of Association of the said Company, and copies of all Rules, Orders, Bye-Laws, Regulations or Proceedings of the said Company, or other Instruments whatsoever, whereby any change shall at any time be made by the authority of the said Company in the provisions of

the said Original Deed of Settlement, shall be kept at the office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said office, and a copy of such Original Deed of Settlement, and a copy of each such Rule, Order, Bye-Law, Regulation, Proceeding or Instrument as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such Rule, Order, Bye-Law, Regulation, Proceeding or Instrument, hereafter to be made, in the office of the Prothonotary of the Supreme Court of Judicature at Fort William aforesaid, and shall be there filed, and be and remain open to the inspection of all persons during the usual hours of such office, and an examined copy of each such filed copy as aforesaid certified by and under the hand of the Prothonotary for the time being of the said Supreme Court, shall be good and sufficient evidence of each such Original Deed, Rule, Order, Bye-Law, Regulation, Proceeding or Instrument in all Actions, Suits and Proceedings whatsoever, whether Civil or Criminal, to be had in any Court of Justice, or before any Magistrate or other officer, whether acting judicially or in any proceeding preliminary to a judicial enquiry, throughout the territories for which the Governor-General in Council has power to legislate.

XVII. And it is hereby enacted, that the said Company shall cause the name, of each, and every Director of the said Company, and also the name and proper official description of each and every Officer of the said Company, and of every person acting and officiating for the time being as such Officer, to be entered in a book, to be kept at the said principal office in Calcutta of the said Company, to be there open to the inspection of all persons during the usual hours of business of the said Office, and shall also, within six months from the time of passing this Act, cause a Memorial of the said names and descriptions respectively to be enrolled in the said office of the Prothonotary of the said Court, and a fresh Memorial thereof to be from time to time enrolled as often as any change or changes shall be made or take place either in the Direction aforesaid or in any of the said Offices.

XVIII. And it is hereby further enacted, that the said Company shall cause the names, places of residence, and descriptions of the business, profession, or employment of the Proprietors of Shares in the said Capital Stock, and the number of Shares held by each Proprietor, to be registered in a book and numbered in a regular consecutive series, beginning with No. 1, and such book shall be kept at the said office in Calcutta of the said Company, and shall there be open to the inspection of all persons during the usual hours of business, and each successive transfer or change of Ownership in any Share or Shares shall be entered in manner above mentioned, with the like particulars above mentioned, in the said book, and against the original entry of such Share or Shares shall be entered a note of every such change of Ownership or transfer, with a sufficient reference to the place or places in such

book wherein is or are made the entry or entries of the name or names, place or places of residence and descriptions of the Proprietors to whom or in whose favor such transfer or change, transfers or changes, shall have been made or had from time to time as aforesaid.

XIX. And it is hereby enacted, that the said Company shall sue, and be sued, and described, in and by its said corporate name and not otherwise, in all proceedings, whatsoever, whether Civil or of a Penal or Criminal character, and whether the same be the proceedings of any Court, or of any Magistrate or other officer executing any enquiry, either preliminary to, or in the nature of a judicial investigation or enquiry, and shall, for all purposes of jurisdiction, be capable of suing and proceeding, and be liable to be sued and proceeded against in its said corporate name, character, and capacity, in and before any such Court, Magistrate or officer within any of the territories for which the Governor-General in Council has power to legislate, in respect of all matters and things over which such Court, Magistrate or officer respectively may have jurisdiction, and to the extent of such jurisdiction, in like manner as the same may for the time being be there had by or against any British subject or subjects within the said territories; Provided always, that no process or proceedings whatsoever, whether of a mesne or judicial nature, shall be had against the person or property of any individual Members, Shareholders, or Subscribers of the said Company, either for the purpose of giving notice of any suit or proceeding, or of effecting any appearance to any suit or proceeding, or of obtaining payment or satisfaction of any debt, claim or demand against the said Company, or of levying any fine or penalty awarded against the said Company, or of obtaining payment or satisfaction of any judgment, decree, award, order or determination against the said Company, or for any the like purpose, but that all such process and proceedings of what nature soever shall be had solely against the Corporate Stock, Property and Effects of the said Company.

XX. And it is hereby enacted, that all services of mesne process, and all notices whatsoever, which, by law or by the practice of any Court wherein the said Company shall sue or be sued, are required to be served or given for the purpose of compelling or causing an appearance to be entered in any suit, or for enabling a Proceeding to be had *ex-parte* in the absence of a party to a suit or previously to the institution of any suit or proceedings, or for any other purpose whatsoever connected with or having reference to the continuation, conduct, or prosecution of any suit, or the revival of the same, or which shall at any time be directed to be given by any such Court to the said Company in reference to any proceedings therein pending, shall and may be made and given in addition to all ways and means by which the same may otherwise be legally made or given, upon, or to the Secretary for the time being of the said Company resident in Calcutta, or the person or persons acting and

officiating as such, or by leaving the same addressed to the said Secretary, or person acting and officiating as such, at the said principal office in Calcutta of the said Company.

XXI. And it is hereby enacted, that this Act shall continue in force until the 30th day of April 1854.

Act No. XX. of 1845.

Passed on the 6th Sept. 1845.

An Act providing Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company.

Whereas by an Act passed in the third and fourth years of the reign of His Majesty King William the Fourth, intituled, "An Act for effecting an arrangement with the East India Company and for the better government of His Majesty's Indian Territories till the Thirtieth day of April, One Thousand Eight Hundred and Fifty-four," it was, amongst other things, enacted, that it should be lawful for the Governor-General of India in Council, from time to time, to make Articles of War for the government of the Native Officers and Soldiers in the Military Service of the Company, and for the administration of justice by Courts Martial to be holden on such Officers and Soldiers, and such Articles of War from time to time to repeal or vary and amend, and that such Articles of War should be made and taken notice of in the same manner as all other the Laws and Regulations to be made by the said Governor General under the said Act, and should prevail and be in force and should be of exclusive authority over all the Native Officers and Soldiers in the said Military Service, to whatever Presidency such Officers and Soldiers might belong, or wheresoever they might be serving: Provided, nevertheless, that, until such Articles of War should be made by the said Governor-General in Council, any Articles of War for, or relating to, the Government of the Company's Native forces, which at the time of the said Act coming into operation should be in force and use in any part or parts of the territories under the Government of the said Company should remain in force:

It is hereby enacted, in pursuance of the above recited authority, that the following Articles of War shall, from and after the seventh day of October, 1845, be the Articles of War for the government of the said Native Officers and Soldiers in the Military Service of the said Company, and for the administration of justice by Courts Martial to be holden on such Officers and Soldiers.

ARTICLES OF WAR.

SECTION I.

OF ENLISTING AND DISCHARGES.

ARTICLE 1.—Every Recruit, prior to being enrolled in his Regiment, shall have the First Four Articles of the Second Section of these Articles of War read and explained to him, after which such Declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Native Officers and Soldiers, and an oath or declaration shall then be required from him, according to the forms of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

ARTICLE 2.—No Commissioned Officer shall be dismissed except by the Sentence of a General Court Martial. No Non-Commissioned Officer or Soldier shall be discharged as a punishment except by the Sentence of a Court Martial, or by order of the Commander-in-Chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided that no Sentence of discharge awarded by a Court Martial inferior to General shall be carried into effect without the concurrence of the Commander-in-Chief, or the General or other Officer Commanding the Division, Field Force, District or Brigade, in which the prisoner may be serving; Provided also, that the Governor-General in Council in his executive capacity, and the Governor in Council of any Presidency to which a Commissioned or Non-Commissioned Officer or Soldier may belong, shall have power to order his dismissal or discharge.

ARTICLE 3.—All Non-Commissioned Officers and Soldiers discharged the Service, shall be furnished by the Commanding Officer of the Regiment with a Discharge Certificate, made out in the Vernacular Language of the individual discharged, with an English Translation, expressing the authority for, and cause of such discharge, and the period of his entire Service in the Army.

ARTICLE 4.—No Non-Commissioned Officer or Soldier shall enlist himself in any other Regiment without a regular discharge from his former Regiment, under the penalty of being reputed a Deserter, and suffering accordingly.

SECTION II.

CRIMES AND PUNISHMENT.

Crimes punishable with Death, Transportation, Corporal Punishment or Dismissal.

ARTICLE 5.—Any Officer, or Soldier, who shall begin, excite, cause, or join in any Mutiny or Sedition in the Regiment or Corps to which he belongs, or in any

other Corps or Regiment whatsoever, on any pretence whatever; or who, being p e-sent at any Mutiny or Sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any Mutiny, intended Mutiny, or concealed combination against the State, shall not without delay give information thereof to his Commanding Officer;—or

ARTICLE 6.—Who shall strike his Superior Officer, or shall draw, or offer to draw, or lift up any weapon, or use or offer any violence against him; whether on or off duty, and under all circumstances in which his Superior Officer may be distinguishable as such in any manner;—or

ARTICLE 7.—Who shall disobey any lawful command of his Superior Officer;—or

ARTICLE 8.—Who shall desert from the East India Company's Service, (whether or not he shall re-enter or re-enlist in the same;)—or

ARTICLE 9.—Who, being a Sentry, in time of war or alarm, shall sleep upon his post, or shall leave it before regularly relieved or without leave;—or

ARTICLE 10.—Who shall shamefully abandon or deliver up any Garrison, Fortress, Post or Guard committed to his charge, or which it was his duty to defend; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post or Guard;—or

ARTICLE 11.—Who shall treacherously make known the watchword to any person not entitled to receive it, according to the Rules and Discipline of War;—or

ARTICLE 12.—Who shall hold correspondence with or give intelligence to the Enemy, or any person in arms against the State, either directly or indirectly; or who coming to the knowledge of such correspondence or communication, shall not discover it immediately to the Commanding Officer;—or

ARTICLE 13.—Who shall, directly or indirectly, assist or relieve the Enemy, or persons in arms against the State, with money, victuals or ammunition; or shall knowingly harbour or protect any Enemy or Person in arms against the State;—or

ARTICLE 14.—Who shall treacherously release, wilfully aid, or connive at the escape of any Enemy, or person in arms against the State, placed as a prisoner under his charge;—or

ARTICLE 15.—Who shall misbehave himself before the Enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave;—or

ARTICLE 16.—Who shall, in presence of an Enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition;—or

ARTICLE 17.—Who shall leave his Commanding Officer, or his Post, or Party, in time of action, to go in search of plunder;—or

ARTICLE 18.—Who, in time of War, shall do violence to any person bringing provisions or other necessaries to the Camp or Quarters of the Forces; or shall force a Safeguard; or break into any house, or other place for plunder; or plunder fields or gardens or other property;—or

ARTICLE 19.—Who, in time of War, shall, by discharging Fire Arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms, in Action, Camp, Garrison or Quarters;—or

ARTICLE 20.—Who shall, without proper authority, release any State Prisoner, or, through carelessness or neglect, shall suffer any such Prisoner to escape;—or

ARTICLE 21—Who, being a Sentry placed over any State Prisoner, or over Treasure, or over a Magazine or Dock Yard, shall quit his Post, without being regularly relieved, or without leave or shall sleep upon his Post;—

Shall, if an Officer on conviction, suffer Death, or Transportation for life, or be dismissed the service:

And, if a Soldier, shall, on conviction, suffer Death, or Transportation for life, or imprisonment, with or without hard labour, for life, or for any term of years: and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement; or shall suffer Corporal Punishment; or dismissal from the Service; as by a General Court Martial shall be awarded.

Crimes not punishable with Death or Transportation.

ARTICLE 22.—Any Officer or Soldier who shall in operations in the field, spread Reports, by Words or Letters, calculated to create unnecessary alarm in the Troops or in the vicinity, or in rear of the Army;—or

ARTICLE 23.—Who shall, in Action or previously to going into Action, use words tending to create Alarm or Despondency;—or

ARTICLE 24.—Who shall be drunk when on or for duty or on Parade or on the Line of March; or

ARTICLE 25.—Any Soldier who shall be grossly insubordinate or insolent in the Ranks; or grossly insubordinate and violent in the presence of a Court Martial;

Shall, if an Officer, on conviction, be sentenced to be dismissed the Service, or to be suspended from Rank, and Pay, and Allowances:

And, if a Soldier, shall, on conviction before a General, or District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District,

or Garrison Court Martial is, by these Articles of War, respectively empowered to award.

Provided, that such Offender shall not be sentenced to Death, or Transportation, or imprisonment with Hard Labour.

ARTICLE 26.—Any Officer who shall behave in a manner unbecoming the character of an Officer; (the fact or facts whereon the charge is grounded being clearly specified therein;)—or

ARTICLE 27.—Any Officer or Soldier, who being under arrest, or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority;—or

ARTICLE 28.—Who shall advise or persuade any other Officer or Soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and entertain any Deserter, and shall not immediately on discovery give notice to his superior Officer; or shall not cause such Deserter to be apprehended by the Civil Power;—or

ARTICLE 29.—Who shall obtain or attempt to obtain, for himself or for any Officer or Soldier, or for any other person whatsoever, any Pension or Allowance, by any false Statement, Certificate, or Document, or by the omission of the true Statement, or Certificate, or Document;—or

ARTICLE 30.—Who shall knowingly make a false Return or Report, to any his Superior Officer authorized to call for a Return or Report, of the state of the men under his Command, or of Arms, Ammunition, Clothing or other Stores thereunto belonging or of which he may have charge;—or

ARTICLE 31.—Who shall malinger, feign, or intentionally produce disease or infirmity; or intentionally delay his cure; or intentionally aggravate his disease or infirmity;—or

ARTICLE 32.—Who, at any post, or on the march, shall illegally and against the will of the parties, extort money or property of any description, as fees, or duties, or on any pretence whatever; or shall, without authority, exact from Villagers or others carriage, porterage, or provisions:—or

ARTICLE 33.—Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons;—or

ARTICLE 34.—Who shall, without orders, commit any waste, or spoil, or plunder, or shall injure or destroy any property;—or

ARTICLE 35.—Any Soldier who shall, contrary to orders, when off duty, appear in or about Camp or Cantonments, or on occasion of visiting Towns or Bazars, carrying a sword, bludgeon, or other weapon;—or

ARTICLE 36.—Who shall sell, pawn, designedly, or through neglect, lose or injure his horse, arms, clothes, accoutrements, or regimental necessaries; or any of the above articles entrusted or belonging to any other Soldier;—

Shall, if an Officer, on conviction, be sentenced to be dismissed the Service, or to be suspended from Rank, and Pay, and Allowances:

And, if a Soldier, shall, on conviction before a General, District or Garrison Court Martial, be sentenced to suffer such punishment as a General or District or Garrison Court Martial is by these Articles of War respectively empowered to award:

Provided that such Offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Crimes punishable with fine or loss of pay, in addition to other Punishments.

ARTICLE 37.—Any Officer, or Soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any Military purpose; or any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall wilfully spoil such property or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication:—

Shall, on conviction before a General Court Martial, be dismissed the service, and fined to the extent of his arrears of Pay and Allowances; and further liable to suffer imprisonment with or without hard labour, for a term which may extend to three years, and with or without solitary confinement. to be regulated as aforesaid.

ARTICLE 38.—Any Soldier who shall be guilty of *disgraceful conduct*,.

In wilfully maiming or injuring himself, or any other Soldier, at the instance of such Soldier, with intent to render himself or such Soldier unfit for the Service, or with intent to take his own life;—or

ARTICLE 39.—In purloining or selling Government Stores;—or

ARTICLE 40.—In stealing money or goods, the property of a Soldier, or of a Military Officer, or of any Military Mess, or of any person or persons belonging to or serving with or attached to the Army;—or

ARTICLE 41.—In embezzling or fraudulently misapplying public money entrusted to him for any Military purpose;—or

ARTICLE 42.—In committing any petty offence of a fraudulent nature, to the injury of or with intent to injure any person, Civil or Military;—or

ARTICLE 43.—Who shall be guilty of any other *disgraceful conduct*, being of a cruel, indecent, or unnatural kind:

Shall, on conviction before a General, or District, or Garrison Court-Martial, be liable to suffer such punishment as any such Courts are by these Articles of War respectively empowered to award for *disgraceful conduct.*

And every such offender shall, if not dismissed the service, further be put under stoppages, by sentence of the Court, not exceeding half of his monthly Pay and Allowances; until the amount be made good of any loss or damage arising out of his misconduct.

And if such offender shall be dismissed the service, he shall further be sentenced to forfeit his arrears of Pay and Allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes not Punishable with Corporal Punishment or Imprisonment with Labor.

ARTICLE 44.—Any Officer, or Non-Commissioned Officer who shall strike or otherwise ill-treat any Soldier;—or

ARTICLE 45.—Any Sentry who, in time of peace, shall sleep upon his Post, or shall leave it before regularly relieved or without leave;—or

ARTICLE 46.—Any Officer, or Soldier, who shall knowingly enlist a Deserter, or connive at his enlistment;—or

ARTICLE 47.—Who, directly or indirectly, shall require or accept a bribe, present or gratification, on the pretence of or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier;—or

ARTICLE 48.—Who, being in Command at any Post, or on the march, on complaint made to him of any person under his command beating or otherwise ill-treating any person; or extorting from him more than he is obliged to furnish by authority; or disturbing fairs or markets, or committing any kind of riot, shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his superior Officer;—or

ARTICLE 49.—Who, being in Command of a Guard, shall refuse to receive any prisoner duly committed to his charge; or shall, without proper authority, release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape;—or

ARTICLE 50.—Who shall quit his Guard or Picquet in time of peace, without being regularly relieved, or without leave;—or

ARTICLE 51.—Who shall impede the Provost Marshal, or his Assistants, or any other Officer or person legally exercising authority:—or refuse to assist him when requiring his aid in the execution of his duty;—or

ARTICLE 52.—Who, being on leave of absence, shall have received information from the Head Quarters of his Regiment, or from other competent authority, that his Regiment has been ordered on service, and shall not rejoin without delay ;—or

ARTICLE 53.—Who, in time of peace, shall by discharging fire arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in Camp, Garrison, or Cantonments ;—or

ARTICLE 54.—Who shall fail to repair at the time fixed to the parade, or place appointed for exercise or duty, if not prevented by sickness or some other sufficient cause ;—or

ARTICLE 55.—Who shall, without urgent necessity, or without leave of his superior Officer, quit his Company or Troop or the Parade ;—or

ARTICLE 56.—Who shall absent himself without leave ; or shall, without sufficient cause, overstay the period for which leave may have been granted him ;—or

ARTICLE 57.—Any Soldier who shall be found two miles from the Camp contrary to orders ;—or

ARTICLE 58.—Who shall, contrary to orders, be absent from his Cantonment after tattoo, or from Camp after retreat beating ;—or

ARTICLE 59.—Who shall sell, lose, or designedly, or through neglect, waste the ammunition delivered out to him ;

Shall, if an Officer, on conviction, be sentenced to suspension from Rank and Pay and Allowances ; or to be reprimanded in such manner as the Commander-in-Chief may direct :

And, if a Soldier, shall, on conviction before a General, or District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award ;

Provided that such offender shall not be liable to be sentenced to suffer Corporal Punishment or Imprisonment with Hard Labor.

ARTICLE 60.—All crimes not capital, and all disorders or neglects which Officers or Soldiers may be guilty of, to the prejudice of good order and Military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the Sentence of a General, or District, or Garrison, or Regimental Court Martial ; Provided that a Soldier shall not for any such offences be liable to be sentenced to suffer Corporal Punishment or Imprisonment with Hard Labor.

Crimes incident to Courts Martial.

ARTICLE 61.—Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or to

make affirmation, or to answer any lawful question; or who shall induce any other person so to offend;

Shall be punished according to the Sentence of the same or another Court Martial, with dismissal or suspension from Rank and Pay and Allowances, if a Commissioned Officer; with dismissal or reduction to the ranks, if a Non-Commissioned Officer; or with dismissal or imprisonment, if a Soldier;

Provided that such person, being a Commissioned Officer, shall not be liable to be punished by any but a General Court Martial; and that no offender punished under the provisions of this Article of War shall be sentenced to suffer Imprisonment with Hard Labor, or Corporal Punishment.

ARTICLE 62.—Any person not amenable to these Articles of War, who, having been summoned upon any Court Martial, shall refuse or neglect to attend, or who attending shall refuse to be sworn, or to make affirmation, or to answer any lawful question, or shall give such testimony as, if given in a Criminal Court, would render him guilty of perjury; or who shall induce any other person so to offend;—

Shall be delivered to a Magistrate to be proceeded against according to law.

ARTICLE 63.—Any person using menacing or disrespectful words, signs or gestures, in the presence of a Court Martial, then sitting, or causing any disorder or riot so as to disturb their proceedings;—

Shall be punished, according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another Court Martial, if he be amenable to these Articles of War: Provided that such offender shall not be liable to be sentenced to Corporal Punishment or to Imprisonment with Hard Labor; and if not amenable to these Articles of War, the offender shall be delivered over to a Magistrate, to be proceeded against according to law.

ARTICLE 64.—Any Officer, or Soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General, or other Court Martial, or any Military Court entitled to administer an oath; or of inducing any other person so to offend;—

Shall be dismissed the service, and shall be further subject to fine, to the amount of his arrears of Pay and Allowances, or to Imprisonment which may extend to three years;—according to the Sentence of a General, District, or Garrison Court Martial.

Crimes admitting of less serious notice.

ARTICLE 65.—Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a General, or District, or Garrison

Court Martial, should, in certain cases which admit of less serious notice, be tried by District, or Garrison, or Regimental Court Martial respectively, in such cases the Officer Commanding the Regiment or Corps to which the offender belongs shall lay a particular statement of the case before the General or other Officer having authority to convene General, or District, or Garrison Courts Martial, under whose command such offender may be serving, with an application, so to proceed; and such General or other Officer will exercise his discretion in complying or not with such application; but the permission of such General or other Officer so to proceed, shall be entered upon the proceedings at the trial of such offender.

Provided that MUTINY shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated "Disgraceful Conduct" in these Articles of War, and admitting of less serious notice, shall be permitted to be tried by Regimental Courts Martial, the term Disgraceful Conduct shall be omitted in the Charge.

Offences on the Line of March or on board Vessels.

ARTICLE 66.—For offences committed on the Line of March, or on board any ship or other vessel, the Officer in command of the Troops is hereby authorized to try any Soldier by a Regimental, or Detachment Court Martial, and to confirm and execute the Sentence, and in all cases of Mutiny or Gross Insubordination to carry the Sentence into execution on the spot;—

Provided that such Sentence shall in no case exceed that which a Regimental Court Martial is competent to award;—and that the proceedings held in all such cases shall be specially reported for the information of the Commander-in-Chief.

SECTION III.

ADMINISTRATION OF JUSTICE.

ARTICLE 67.—Whenever any Officer or Soldier shall commit a crime deserving punishment by Court Martial, he shall, by his Commanding Officer, be put under arrest, if an Officer; or if a Soldier, be confined, until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority; and no Officer or Soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement, or an attempt to effect such process, shall in no case be omitted where it may be practicable;—but where resistance may

be made, or from other circumstances such process may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

ARTICLE 68.—No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed *more than three years* previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest inpediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried, at any time not exceeding *two years* after the impediment shall have ceased.

ARTICLE 69.—Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British Territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ARTICLE 70.—The Commander-in-Chief at the Presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being, may appoint General or other Courts Martial, and confirm, mitigate or remit the Sentences of such Courts; and may issue his Warrant to any General or other Officer having the Command of a Body of Troops in the service of Her Majesty or of the East India Company, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of offences committed by any of the Officers or Soldiers or Followers in the said Company, being Natives of the East Indies, or of other places within the limits of the said Company's Charter, and confirm, mitigate, or remit the sentences of such Courts Martial.

ARTICLE 71.—A General Court Martial shall not consist of less than *thirteen* Commissioned Officers, unless it be held out of the East India Company's Territories, where such Court Martial may consist of *seven* Commissioned Officers, if a greater number cannot be conveniently assembled. And no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander-in-Chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

Powers of a General Court Martial.

ARTICLE 72.—A General Court Martial may sentence any Officer or Soldier to Death or Transportation, for any crimes which are by these Articles of War expressly made liable to sentence of Death or Transportation, and for such crimes only.

And when a Commissioned Officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such Officer to be dismissed the service ;—or to be suspended from Rank and Pay and Allowances, for a stated period ;—or to be placed lower on the list of his rank, by an alteration of the date of his Commission, thereby losing the corresponding benefit of length of service ; and the Court shall in every such sentence specify the extent or degree of suspension or reduction, which they shall so adjudge ;—or the Court may sentence such Officer to be reprimanded in such manner as the Commander-in-Chief may direct.

And a General Court Martial may sentence any Non-Commissioned Officer to be reduced to the ranks ;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed the service ;—or to be placed lower in the list of the rank which he holds ;—or may sentence any Soldier to suffer Corporal Punishment not exceeding *Two Hundred Lashes* ;—or Imprisonment with or without hard labor not exceeding *two years* ;—and to be kept in solitary confinement for any portion or portions of such Imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the period of solitary confinement, of not less duration than such periods of solitary confinement.

And a General Court Martial may, in addition either to Corporal Punishment or to Imprisonment as aforesaid, sentence a Soldier to forfeiture of all advantage as to additional Pay and to Pension on discharge, which might have otherwise accrued from the length or nature of his former service ; or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct*.

And a General Court Martial may, in addition to the punishment of dismissal, sentence any Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct ;—And in addition to any punishment not involving dismissal from the service, may sentence any Officer or Soldier to be put under stoppages not exceeding two-thirds of his Pay and Allowances in the case of an Officer, and not exceeding half of his Pay and Allowances in the case of a Non-Commissioned Officer or Soldier, until the amount of such loss or damage be made good.

Confirmation and Commutation of Sentence, by the Commander-in-Chief.

ARTICLE 73.—In cases wherein a Sentence of *Death* shall have been awarded by General Court Martial, for any offence against discipline for which sentence of Death is awardable under these Articles of War, the Commander-in-Chief may confirm

such Sentence and cause it to be carried into effect, or may, instead of causing such Sentence to be carried into effect, order the offender, if an Officer, to be transported for life, or to be dismissed, and if a Soldier, to be transported for life, or to be imprisoned with or without Hard Labor either for life, or for a certain term of years, and with or without Solitary Confinement, to be regulated as aforesaid, as to the Commander-in-Chief may seem meet.

In cases of Commissioned Officers sentenced to *Transportation* the Commander-in-Chief may, in lieu thereof, order the offender to be dismissed. And in cases of Commissioned Officers sentenced to be *dismissed* from the service, the Commander-in-Chief may, in lieu of such punishment, direct that the offender be suspended from Rank and Pay and Allowances for a certain period, to be distinctly specified by the Commander-in-Chief.

And the Commander-in-Chief may commute a Sentence of *Transportation* passed on a Soldier, to Imprisonment, with or without Hard Labor and with or without Solitary Confinement, to be regulated as aforesaid; and such Imprisonment may be either for the same period for which Transportation shall have been awarded, or for any lesser period.

And the Commander-in-Chief may commute a Sentence of *Corporal Punishment* to Dismissal from the Service; or, in the case of a Non-Commissioned Officer, may mitigate such Sentence to reduction to the ranks; or in the case of a Non-Commissioned Officer or Soldier may commute such Sentence to Imprisonment without Hard Labor, and with or without Solitary Confinement (to be regulated as aforesaid,) for any period not exceeding *two years*, if the sentence shall exceed *one hundred and fifty lashes*; not exceeding *one year*, if it shall exceed *one hundred lashes*; and not exceeding *six months*, if it shall be *less than one hundred lashes*;—but the term of such commuted Imprisonment may be for any lesser periods respectively, at the discretion of the Commander-in-Chief.

In cases of Non-Commissioned Officers sentenced to be *dismissed* from the service, the Commander-in-Chief may, in lieu of such punishment, direct that the offender be reduced to the ranks, or placed lower in the list of the rank which he holds.

And in cases of offenders sentenced to *Imprisonment with Hard Labor*, the Commander-in-Chief may mitigate such Sentence by causing the offender to be reduced to the ranks, in the case of a Non-Commissioned Officer; or in the case of a Non-Commissioned Officer or Soldier by directing that he be dismissed from the service; or suffer Imprisonment without Hard Labor, and with or without Solitary Confinement, (to be regulated as aforesaid) for any period not exceeding that for which he shall have been Sentenced to such Imprisonment with Hard Labor.

ARTICLE 74.—A District or Garrison Court Martial shall consist of not less than *Seven* Commissioned Officers, except in situations where that number cannot be conveniently assembled, when such Court may consist of not less that *five* Commissioned Officers. And such District, or Garrison Court Martial may be composed of Officers of the same Regiment, and shall be assembled in conformity with the orders of the Commander-in Chief.

And the Sentence of a District, or Garrison Court Martial shall be confirmed by the Commander-in Chief, or by some Officer duly authorized to confirm the same.

Commutation of Sentence.

And the Commander-in-Chief is empowered to remit or mitigate or commute the Sentences of such Courts Martial, in the same manner as the Sentences of General Courts Martial; and to delegate or withhold the power to Commanding Officers of convening such Courts Martial, and of confirming, remitting, mitigating or commuting the Sentences of such Courts *(not including forfeiture of Pay or Pension or other advantage,)* as the Commander-in-Chief may deem to be most expedient.

And in case of any Sentence, including forfeiture of additional Pay or of Pension on Discharge, or of any prospective advantage, such Sentence shall not be carried into effect until confirmed by the Commander-in-Chief; and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court Martial.

ARTICLE 75.—District or Garrison Courts Martial may Sentence any Non-Commissioned Officer to be reduced to the ranks,—or may Sentence any Non-Commissioned Officer or Soldier to be dismissed from the Service; or to be placed lower in the list of the rank which he holds; or may Sentence any Soldier to suffer Corporal Punishment not exceeding *one hundred and fifty lashes*; or Imprisonment, with or without Hard Labor, not exceediug *One Year*, and to be kept in Solitary Confinement, to be regulated as aforesaid.

And such Court Martial may, in addition either to Corporal Punishment or to Imprisonment as aforesaid, sentence a Soldier to forfeiture of all advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case for *disgraceful conduct.*

And such Court Martial may, in addition to the punishment of Dismissal, sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be

required to make good any loss or damage arising out of his misconduct ; and, in addition to any punishment not involving Dismissal from the service, may sentence any Non-Commissioned Officer or Soldier to be put under Stoppages, not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 76.—A Regimental Court Martial shall consist of not less than *Five* Commissioned Officers, (unless it be found impracticable to assemble that number, when *Three* may be sufficient :) and shall be assembled by order of the Officer Commanding the Regiment. And no Sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Provided that such Commanding Officer shall have power to remit all Sentences whatever passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

And such Commanding Officer shall have power to mitigate all Sentences whatever passed by such Court ; and to commute a Sentence of *Corporal Punishment* to Imprisonment without Hard Labor, and with or without Solitary Confinement, to be regulated as aforesaid, for any period for which such Court is competent to Sentence an offender to suffer Imprisonment, and in the same manner ; and to mitigate a Sentence of *Dismissal* in the case of a Non-Commissioned Officer, to Reduction to the Ranks ;—and to commute a Sentence of *Imprisonment with Hard Labor*, or with *Solitary Confinement*, or both, to Dismissal ; or to mitigate such Sentence to Reduction to the Ranks ; or to Imprisonment without Hard Labor.

But no Sentence of *Corporal Punishment*, or of *Imprisonment with Hard Labor*, passed by a Regimental Court Martial and confirmed in full by such Commanding Officer, or confirmed and mitigated by him ; and no Sentence of *Dismissal* confirmed, and no commutation of Dismissal for Imprisonment made as aforesaid, by such Commanding Officer, shall be carried into effect, without the sanction and authority of the Officer Commanding the Division or Field Force or District or Brigade, (being the Senior Officer on the spot) in which the Regiment may be serving, who is hereby empowered to cause such sentence to be inflicted in accordance with the confirmation thereof, in full or in mitigated degree, by the Officer Commanding the Regiment, or such dismissal to be carried into effect, or to direct the release of the offender and his return to duty as he may deem expedient.

Provided that in detached situations, or when on service in the field, the Officer Commanding the Regiment shall have power to carry into effect any Sentence of a Regimental Court Martial, in cases where an immediate example is necessary, and reference cannot be had to superior authority without detriment to the service.

Powers of a Regimental Court Martial.

ARTICLE 77.—A Regimental Court Martial may sentence any Non Commissioned Officer to be reduced to the ranks;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed from the service;—or to be placed lower in the list of the rank which he holds—or may sentence any Soldier to suffer Corporal Punishment not exceeding *one hundred lashes*; or Imprisonment, with or without Hard Labor, for any period not exceeding *six calendar months;* and to be kept in solitary confinement, to be regulated as aforesaid.

Any such Court Martial may, in addition to the punishment of dismissal, sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving dismissal from the service, may sentence any Non-Commissioned Officer or Soldier to be put under Stoppages, not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 78.—An Officer Commanding any Detachment of his own Regiment may assemble Regimental Detachment Courts Martial;—and an Officer Commanding a Detachment consisting of men of different Corps may assemble Detachment or Line Courts Martial;—and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest superior Officer holding a Command of not less than a Regiment;—(who is hereby authorized to confirm the same, in like manner as an Officer Commanding a Regiment is empowered to do, and with the same restrictions;)—except in cases where an *immediate example* is necessary, and reference cannot be made to such Commanding or Superior Officer without detriment to the Service.

ARTICLE 79.—At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the prisoner be found guilty, and Imprisonment form a part of the Sentence, no portion of the Imprisonment should

be Solitary :—or, should Corporal Punishment be awardable to the offender, that it shall not be awarded in the particular case; and the Court will govern itself accordingly.

Execution of Sentences of Courts Martial.

ARTICLE 80.—In every sentence of death awarded by a General Court Martial, the Court shall specify that the offender shall "suffer death by being hanged by the neck until he be dead," or "by being shot to death," as the Court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 81.—Whenever the sentence of a General Court Martial shall adjudge Transportation, or sentence of Death shall be commuted by competent authority to Transportation, any of the Sudder Courts shall give effect to such sentence or commuted sentence, on the same being certified to the Court under the authority of the Commander-in-Chief.

And whenever any sentence of a Court Martial shall adjudge imprisonment with labor, or with solitary confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such imprisonment, it shall be the duty of every Judge, Magistrate, Sheriff, or other officer in charge of a Jail, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer Commanding the Division, Field Force, District, or Brigade, within which the trial is held.

ARTICLE 82.—Whenever any Soldier shall be sentenced to imprisonment for life, or a sentence of death shall be commuted to imprisonment for life, it shall be lawful for the Commander-in-Chief to order such offender to be transported beyond sea for life, unless there should be special reasons inducing the Commander-in-Chief to think such prisoner not a proper subject for transportation.

ARTICLE 83.—Persons sentenced to imprisonment by Courts Martial shall be imprisoned in a public prison, or in any other fit place which the Commander-in-Chief shall from time to time direct.

ARTICLE 84.—Every Soldier sentenced to imprisonment with hard labor shall, previous to undergoing such punishment, be struck off the strength of his Corps from the date of confirmation of such sentence; and no Soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 85.—Offenders sentenced to dismissal for *disgraceful conduct;*

And offenders subject to Corporal Punishment or to Imprisonment with Hard Labor for *disgraceful conduct* shall, on any such sentence being confirmed, be dismissed with ignominy.

ARTICLE 86.—In every case wherein a fine or stoppages shall be adjudged by a Court Martial, any arrears of pay or public money due to the offender shall be available, under an order from the Commander-in-Chief, for the payment of the amount so adjudged.

And no Soldier sentenced to pay a fine or to stoppages, to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his Pay and Allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his Pay and Allowances.

Forms of Proceeding.

ARTICLE 87.—Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

ARTICLE 88.—At General Courts Martial a Judge Advocate, or a European Officer of not less than ten years service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, a European Officer of not less than four years standing in the service, except in cases where no Officer of that standing may be available, or the Adjutant of the Regiment shall be appointed to conduct the proceedings.

ARTICLE 89.—An Interpreter shall be appointed to all Courts Martial; and any Interpreter available at the Station where the Court Martial may sit shall be appointed as occasion may require by the Officer Commanding at such Station, on application from the Judge Advocate or Superintending Officer at such Court Martial. But in situations where the services of an Interpreter are not available, the Superintending Officer at the Court Martial shall perform the duty of Interpreter.

ARTICLE 90.—At all Courts Martial the Senior Officer shall sit as President without being so appointed by Warrant. Provided that all Subadar Majors are to take precedence according to the dates of their Commissions, and above all Native Officers holding the rank of Subadar or Jemadar; and that Sirdar Bahadoors and Bahadoors shall rank only according to their respective Commissions of Subadar

Major, Subadar, or Jemadar. Rissaldars will take rank with Subadars, and Naib Rissaldars with Jemadars, according to the dates of their respective Commissions.

In case of the death or unavoidable absence of the President, the next Senior Member shall take the place of President, and the trial shall proceed, provided that the Court shall still consist of at least the number of Members of which such Court is directed to consist by these Articles of War.

ARTICLE 91.—No Finding or Sentence of a Court Martial shall be revised more than once, and no Evidence shall be received on such revision. For the purpose of such revision the President and all the Members shall be convened, if possible. But if any of them should be unavoidably absent, the remaining Members may proceed with such revision, provided they are not fewer than the smallest number directed in these Articles respectively. When all the same Members do not meet, the circumstances are to be duly certified on the face of the proceedings.

Manner of Voting.

ARTICLE 92.—All the Members of a Court Martial are to preserve order, and in giving their votes upon all matters are to begin with the youngest; and in all cases where a sentence of death may not be awarded, the decision shall be by the majority of Members present, provided the number of Members present be not less than that required by the preceding Articles; but in case of an equality of votes, the decision shall be in favor of the prisoner; the President at a Court-Martial shall vote with the other Members, but shall have no casting vote. Provided, that in cases of an equality of votes upon other questions than the finding and the sentence, the President shall have a casting vote.

ARTICLE 93.—No sentence of death shall be given against any offender by a Court-Martial, unless two-thirds of the Members present concur therein, or four, where the Court consist of five Members, or five where the Court consist of seven.

Affirmations.

ARTICLE 94.—On the assembly of a Court Martial, the Judge Advocate or Superintending European Officer shall administer to the Interpreter the following Solemn Affirmation:

"I, A. B., solemnly affirm, in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the Court, and that I will not "divulge the sentence until it shall have been published by authority; and further "that I will not disclose or discover the vote or opinion of any particular Member of "the Court, unless required to give evidence thereof by a Court of Justice or Court "Martial, in due course of Law."

In case of the unavoidable absence of an Interpreter, the European Superintending Officer of a Court Martial inferior to General, shall make the Solemn Affirmation prescribed for the Interpreter.

The Judge Advocate or Superintending Officer shall then cause the following Solemn Affirmation to be made by each Member:

"I, A. B., solemnly affirm, in the presence of Almighty God, that I will duly "administer justice according to the Articles of War without partiality, favor, or "affection, and, if any doubt shall arise, then according to my conscience, the best of "my understanding, and the custom of War in the like cases, and that I will not di-"vulge the sentence of the Court until it shall be published by authority; and further, "that I will not disclose or discover the vote or opinion of any particular Member "of the Court, unless required to give evidence thereof by a Court of Justice or a "Court Martial, in due course of Law."

The following Solemn Affirmation shall then be administered by the Interpreter to the Judge Advocate or Superintending Officer:

"I, A. B., solemnly affirm, in the presence of Almighty God, that I will not "upon any account whatsoever disclose or discover the vote or opinion of any par-"ticular Member of the Court Martial, unless required to give evidence thereof as a "witness by a Court of Justice, or a Court Martial, in due course of law, and that I "will not, unless it be necessary for the due discharge of my official duties, disclose "the sentence of the Court, until it shall be published by authority."

Provided, that it shall be necessary to re-administer these solemn Affirmations on the commencement of fresh trials before the same Court.

ARTICLE 95.—All persons who give evidence at a Court Martial are to be examined on Oath, according to the forms of their respective religions, or on affirmation — and persons of the Hindoo or Mahomedan persuasion shall make Affirmation to the following effect:

"I solemnly affirm, in the presence of Almighty God, that what I shall state "shall be the truth, the whole truth, and nothing but the truth."

And if any person, making such Affirmation as aforesaid, shall wilfully and falsely state any matter or thing, which, if the same had been sworn, would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

ARTICLE 96.—In all cases where persons required as witnesses before a Court Martial, may not be amenable to Military Law, the Judge Advocate or Commanding

Officer shall transmit, to the Magistrate within whose jurisdiction the witness may reside, his summons for the attendance of such person, and the Magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshal.

ARTICLE 97.—For the prompt and instant repression of all irregularities and crimes which may be committed by Troops in the Field and on the Line of March, Provosts Marshal shall be appointed by the Commander-in-Chief, and their powers shall be regulated according to the established Usages of War and Rules of the Service. Their duties are to take charge of Prisoners confined for offences of a general description; to preserve good Order and Discipline; to prevent Breaches of both by Soldiers and Followers of the Army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing Breaches of good Order and Military Discipline. Provided, that the punishment be limited to the necessity of the case, and shall accord with the orders which the Provosts may from time to time receive from the Commander of the Forces in the Field; and, whatever may be the crime, the Provost Marshal or his Assistant shall see the offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his Assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a Report shall be made to the Commander of the Army in the Field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good Order and Military Discipline. The duties of Provosts Marshal being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the General Commanding the Forces in the Field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the discipline of the East India Company's Army and the Public Service.

Trials by European Courts Martial.

ARTICLE 98.—At any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European Officers; and should he make such claim, the Court, whether General, or District, or Regimental, shall be composed of European Commissioned Officers, and the number of Members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor General of India in Council by a General Order to authorize the Native Troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV.

Effects of the Dead.

* ARTICLE 99.—When any Officer or Soldier, or any person receiving public pay drawn by any Officer in charge of a Public Department belonging to the Army, may die, or be killed in the service, the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, shall, if no Heir or Executor be present, secure his Effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the office of the Adjutant, or Officer in charge of the Department.

* ARTICLE 100.—If there be no Heir or Executor on the spot the Effects are to be publicly sold; the Commanding Officer of the Regiment, or Party, or Officer in charge of the Department, after discharging the debts of the deceased, viz., the expense of Funeral Ceremonies, his Debts in Camp or Quarters, and Regimental Debts of every description, shall account for the residue to the Heir or Heirs declared by will, whether written or verbal, or nominated in the Regimental Register, or, in failure of such, to the legal representative of the deceased; and in the event of no Executor, Heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the Estate is to be remitted to the General Treasury at the Presidency.

SECTION V.

Miscellaneous.

ARTICLE 101.—The Effects of Deserters are to be publicly sold, and the proceeds, after payment of Regimental Debts, remitted by the Officer Commanding the Corps to which the Deserter belongs, to the General Treasury at the Presidency.

ARTICLE 102.—All powers and provisions contained in these Articles relating to the Commander-in-Chief shall be construed to extend to the Commander-in-Chief at any Presidency, and to the Officer Commanding the Forces for the time being at any Presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to Soldiers, shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

ARTICLE 103.—When any portion of the Troops belonging to one Presidency shall be serving within the limits of another Presidency, such Troops shall be considered as placed, during such service, under the orders and authority of the Commander-in-Chief, or Commanding Officer of the Forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of those Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency. Provided always, that it shall be lawful for the Governor General in Council in his executive capacity, to direct that the Troops, or any part thereof of any Presidency, whilst serving without the limits of such Presidency, shall continue under the orders and authority of the Commander-in-Chief, or Commanding Officer of Forces of the Presidency to which they belong, for all purposes of these Articles.

ARTICLE 104.—Any Officer Commanding any portion of the East India Company's Troops which may at any time be serving in any place out of Her Majesty's Dominions, or of the possessions or Territories which are or may be under the Government of the said Company, or of the Territories of those States in alliance with the said Company, in which the said Company's Forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's Army, being under the immediate command of any such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers at the least, for the purpose of trying any such person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers, in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by these Articles to General Courts Martial; provided that no sentence of any such Court Martial shall be executed until the General Commanding-in-Chief the Army to which the Division, Brigade, Detachment, or Party to which any person so tried, convicted and adjudged to suffer punishment shall belong, shall have approved and confirmed the same; except where such sentence shall not exceed the power granted by these Articles to a District, or Garrison Court Martial, in which case the Officer by whom the Court is convened is hereby authorized to confirm, or commute, or mitigate, or remit the same; reporting the proceedings to the said General Commanding-in-Chief.

ARTICLE 105.—General Courts Martial only shall have the power to try Commissioned Officers; or to pass Sentence of Death or Transportation on any offenders.

ARTICLE 106.—No person, being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a Soldier shall have been found guilty by a Court Martial of any Military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such Soldier before a Court Martial or a Court of Justice, and shall inquire into the *general* character of such Soldier; for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the Court shall have ascertained that such Soldier had previously to his trial received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all Soldiers previous to trial.

* ARTICLE 107.—No Non-Commissioned Officer shall be reduced to the ranks but by the sentence of a Court Martial, or by order of the Commander-in-Chief of the Presidency to which the offender shall belong. Provided that no Non-Commissioned Officer shall be reduced to the ranks for any limited period; nor suspended from his rank; nor reduced from a higher to a lower grade of Non-Commissioned Officer; nor sentenced to suffer Corporal Punishment, or imprisonment without being first reduced to the ranks.

* ARTICLE 108.—Any Officer or Soldier thinking himself wronged by his Superior or other Officer, is to complain thereof to the Commanding Officer of his Troop or Company, by whom if the grievance be not redressed, such Officer, Non-Commissioned Officer, or Soldier, may complain to the Commanding Officer of his Regiment, who is hereby required to examine into such complaint, or remit it to his superior authority as the circumstances may require; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial in manner hereinbefore mentioned; provided that such offender shall not be liable to be sentenced to dismissal nor to suffer Corporal Punishment or Imprisonment with hard labor.

ARTICLE 109.—In case of light offences, a Commanding Officer may, without the intervention of a Court Martial, award extra drill, with or without pack, for a period not exceeding fifteen days; restriction to Barrack limits not exceeding fifteen days; confinement in the Quarter Guard, or Defaulter's Room, not exceeding seven days; removal from Staff situations or acting appointments; or may order Soldiers to be employed in piling and unpiling shot; and in cleaning accoutrements of men in Hospital; but none of these descriptions of punishment shall be awardable by Sentence of a Court Martial. And a Commanding Officer may award solitary confinement not exceeding seven days.

Provided that Soldiers in confinement shall be liable to be ordered to attend ordinary drill.

ARTICLE 110.—Any Officer, or Soldier, who shall be taken prisoner by the Enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner, and until he shall again return to the service; when, if he can establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the Enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such a portion of his arrears of pay and allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander-in-Chief.

SECTION VI.

Mode of dealing with Offences not Military.

ARTICLE 111.—In all places within the jurisdiction of any Civil Judicature established by appointment of Her Majesty or of the said Company, Officers and Soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such Civil Judicature, shall be delivered over to a Magistrate to be proceeded against according to Law.

And all Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

Crimes to be tried by Courts Martial where no regular Criminal Tribunals exist.

ARTICLE 112.—In any place within the limits of the Charter of the East India Company, whether in or out of the British Territories, where there may be no Civil Judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by Civil Tribunals, such offences, when committed by Officers or Soldiers, shall be cognizable by Court Martial.

ARTICLE 113.—General Courts Martial shall have cognizance, ordinarily, of offences punishable with Death;

Transportation for Life;

Imprisonment for Life;

Imprisonment for a period which may extend to 14 years;

Imprisonment for a period which may extend to 7 years.

ARTICLE 114.—District, or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with imprisonment for a period which may extend to

three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of death or transportation, with power to sentence persons convicted of such offences to imprisonment for any period not exceeding three years.

ARTICLE 115.—Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with imprisonment for a period not exceeding six calendar months, and, by special order, of offences ordinarily cognizable by District or Garrison Courts Martial, with power to sentence persons convicted of such offences to imprisonment for a period not exceeding six calendar months.

General Courts Martial.

Punishment of Death.

ARTICLE 116.—Any Officer or Soldier who shall be convicted by a General Court Martial of the crime of "Murder," shall be sentenced to suffer death, by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

ARTICLE 117.—Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other corporal injury to any person endangering the life of such person: That is to say,

1st.—Breaking or attempting to break by day or night into any Dwelling House, Tent, Boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal.

2nd.—Robbery or attempt to rob.

3rd.—Stealing or attempting to steal in a house, or from the person:—

Shall be sentenced by such General Court Martial to imprisonment with or without hard labour and transportation for life.

Offences punishable by Imprisonment which may extend to 14 Years.

ARTICLE 118.—Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other corporal injury to any person not endangering the life of such person :—or

ARTICLE 119.—Of wounding with intent to murder, whether the person wounded be the person whom the offender intended to murder or another;—or

ARTICLE 120—Of Robbery, by open violence or Dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang, with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation, robbing or attempting to rob any person in any place, or attacking by open violence any house or place of habitation, or any place in which property may be kept, for the purpose of robbery;—or

ARTICLE 121.—Of breaking into any Dwelling House, Tent, Boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal :—or

ARTICLE 122.—Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed 100 Company's Rupees;—or

ARTICLE 123.—Of purchasing or receiving plundered or stolen property knowing it to have been obtained by robbery, by open violence, or by theft or robbery aggravated as described in Article 118 or Article 119;—

Shall be sentenced by such General Court Martial to imprisonment, with or without Hard Labor, for a period not exceeding 14 years.

Offences punishable by Imprisonment not exceeding Seven Years.

ARTICLE 124.—Any Officer or Soldier who shall be convicted by a General Court Martial of culpable Homicide not amounting to wilful murder;——or

ARTICLE 125.—Of premeditated affray, attended with Homicide, or severe wounding, or other aggravating circumstances;——or

ARTICLE 126.—Of intentionally wounding, maiming, or otherwise doing corporal injury to any person;——or

ARTICLE 127.—Of accidentally wounding, maiming, or otherwise doing corporal injury to any person, with the intention of doing such injury to another person;——or

ARTICLE 128.—Of breaking into any Dwelling House, Tent, Boat, or other place of Habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein;——or

ARTICLE 129.—Of stealing from any habitation, or from any person, any property exceeding Three Hundred Company's Rupees in value;——or

ARTICLE 130.—Of having purchased any property so stolen exceeding in value Three Hundred Company's Rupees, knowing it to have been stolen;——or

ARTICLE 131.—Of Arson;——or

ARTICLE 132.—Of an Unnatural Crime;——or

ARTICLE 133.—Of Rape;——or

ARTICLE 134.—Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose any unmarried woman under the age of 15 years;——or

ARTICLE 135.—Of stealing a child under the age of 8 years:—Shall be Sentenced by such General Court Martial to suffer Imprisonment, with or without Hard Labor, for any period not exceeding seven years.

District or Garrison Courts Martial.

Offences punishable by Imprisonment not exceeding Three Years.

ARTICLE 136.—It shall be competent to the Commander-in-Chief, and to any Officer having authority to convene District, or Garrison Courts Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of Death or Imprisonment or Transportation for Life is not provided therein, to be tried for such offences before a District, or Garrison Court Martial, and such Court shall have power, on conviction, to sentence any such offender to Imprisonment, with or without Hard Labor, for any period not exceeding three years.

ARTICLE 137.—Any Officer or Soldier who shall be convicted by a General, District, or Garrison Court Martial, of stealing from any habitation, or from the person, any property, of value not exceeding Three Hundred Company's Rupees, but exceeding Fifty Company's Rupees;——or

ARTICLE 138.—Of having purchased or received any stolen property of value not exceeding Three Hundred Company's Rupees, knowing it to have been stolen, but not under aggravating circumstances:——or

ARTICLE 139.—Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen:—

Shall be Sentenced by such Court to suffer Imprisonment, with or without Hard Labor, for any period not exceeding three years.

Regimental, Detachment, or Line Courts Martial.

Offences punishable by Imprisonment not exceeding Six Months.

ARTICLE 140.——It shall be competent to any Officer having authority to convene a Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding Imprisonment with Hard Labour for three years is therein provided, to be tried before Regimental, or Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer Imprisonment, with or without Hard Labor, for any period not exceeding six calendar months.

Offences punishable by Imprisonment from six months to one year, according to the description of Court.

ARTICLE 141.—Any Officer or Soldier who shall be convicted of stealing property to the value of Fifty Company's Rupees, or of less value;——or

ARTICLE 142.—Of Assault or Affray, unattended with homicide, severe wounding, or aggravating circumstances;—

Shall be Sentenced to suffer Imprisonment, with or without Hard Labor, for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial; or, for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

Offences punishable by Imprisonment from six months to two years, according to the description of Court.

ARTICLE 143.—Any Officer or Soldier who shall be convicted resisting the process of a Magistrate or Police Officer;——or

ARTICLE 144.—Of having committed any offence against person or property, for which provision is not already made in the preceding Articles of War;—

Shall be Sentenced to suffer Imprisonment, for any period not exceeding two years, by the award of a General Court Martial, not exceeding one year, by the award of a District, or Garrison Court Martial; and not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

ARTICLE 145.—Any Officer or Soldier who shall be convicted by a General, or District, or Regimental Court Martial, of having been present, aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such Court to the

punishment therein provided for such offence, and awardable by General, or District, or Regimental Courts Martial, respectively.

ARTICLE 146.—No sentence of death shall be carried into effect until confirmed by the Commander-in-Chief, nor if the trial shall have been held within the British Territories forming part of either of the Presidencies of Fort William, Fort St. George, and Bombay, respectively, until such confirmation shall have been concurred in by the Government of the Presidency where such trial shall have been held.

ARTICLE 147.—The Commander-in-Chief is authorized at his discretion to confirm any sentence of death, or to remit such sentence, or to commute it into imprisonment with hard labour and transportation for life, or into imprisonment with Hard Labor for any term of years.

ARTICLE 148.—No sentence of transportation shall be carried into effect until confirmed by the Commander-in-Chief, and the Commander-in-Chief is authorized at his discretion to confirm any such sentence, or to commute it into imprisonment, with or without Hard Labor, for any period of time.

ARTICLE 149.—It shall be competent to any Officer having authority to confirm the sentences of a General or other Court Martial, to remit any sentence passed by such Court Martial, or to mitigate such sentence, by substituting simple imprisonment for imprisonment with hard labor, or by reducing the period of imprisonment, or by directing the discharge of the offender in lieu of any imprisonment.

ARTICLE 150.—But no sentence of imprisonment with hard labor, passed by a Regimental, or Detachment, or Line Court Martial, and confirmed either in whole or in part by the Commanding Officer; and no award of discharge substituted for other punishment, as aforesaid, by such Commanding Officer, shall be carried into effect, without the sanction and authority of the Officer Commanding the Division or Field Force, or District, or Brigade, (being the Senior Officer on the spot,) in which the offender may be serving, or of the Senior Officer on the spot in the field.

ARTICLE 151.—A person who may have been tried for any offence by a Court Martial, under the authority of these Articles of War, shall not be tried for the same in any other Court whatsoever, and no person who shall have been acquitted or convicted of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by Cashiering or Dismissal from the service.

ARTICLE 152.—The Regulations at present in force at any Presidency, by which the office and powers of Commissariat Officers, or Officers in charge of the Police or Superintendents of Bazars, are defined and controled; or by which Punchayets are constituted and guided; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits

beyond or around Cantonments; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

SECTION VII.

Application of the Articles.

ARTICLE 153.—All Officers and Soldiers, all Drivers, Farriers, Trumpeters and Drummers; all Hospital Attendants, Sub-Assistant Surgeons, Native Doctors, and Dressers; all Artificers and Labourers, Sutlers, Followers, public and private, or others attached to or serving with any part of the Army, are to be governed by these Articles and subject to trial by Courts Martial.

Provided, that persons of European descent, (whether on the side of their father or mother) professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article, (and not being Her Majesty's natural born subjects, born in Europe, or the children of such subjects,) shall be tried and punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better government of the Officers and Soldiers in the European Service of the East India Company.

Promulgation of the Articles.

ARTICLE 154.—These Articles are to be translated into the several languages of the different Presidencies, and the parts following, *viz.*, the second Section, together with the following Articles in other Sections which are marked with an* (Asterisk) *viz.* 2, 4, 72, 75, 77, 99, 100, 107, and 108, are to be read once every six months at the head of every Regiment, Troop or Company mustered in the Service, and to every Recruit at the period of his enlistment.

ACT No. XXII. OF 1845.

Passed on the 20th September 1845.

AN ACT for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. Whereas it is expedient that the Governor General should visit the North-Western Provinces and other parts of India unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except such powers as may by a Resolution of the Governor General in Council, be exercised

by the President in Council during the absence of the Governor General and except the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the *Official Gazette* that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

Act No. XXIV. of 1845.

Passed on the 22nd November 1845.

An Act for establishing a Court for the trial of Officers of the Pilot Service accused of breach of duty.

1. It is hereby enacted, that from and after the First day of January next, if any person employed in the Pilot Service of the East India Company, at the Presidency of Fort William in Bengal, shall be accused of having committed any breach of duty while engaged in such service, and it shall appear to the Superintendent of Marine that such person ought to be brought to trial for such breach of duty, such person shall be brought to trial before a Court, consisting of a President and two Merchants of Calcutta, four Commanders of British Ships, and two Branch Pilots or Master Pilots of the East India Company's Service, as Members.

II. And it is hereby enacted, that the said President shall be such person as shall be from time to time appointed for that purpose by the Governor of Bengal.

III. And it is hereby enacted, that, whenever it shall appear to such Superintendent of Marine that any person employed in the said Pilot Service ought to be brought to trial before such Court, the said Superintendent shall convene such Court, giving notice to the said President, and summoning by writing under his hand any two Merchants of Calcutta, any four Commanders of British Ships lying in the Port of Calcutta, and any two Branch Pilots or Master Pilots of the East India Company's Service, to appear for the purpose of holding such trial, at a time and place to be subsequently intimated to them by the Judge Advocate appointed to conduct the proceedings of such Court. Provided always, that every Court to be held under this Act shall consist of the President, and at least four Members, and that the decision shall in every case be according to the votes of the majority, and that in case of equality of votes the President shall have a casting vote.

IV. And it is hereby enacted, that if, after the Court shall have been convened, the President shall be prevented by sickness or any other cause from attending the said Court, it shall be lawful for the Members of the said Court, not being less than five in number, to elect one from among themselves, who shall perform the functions of President of the said Court until the end of the trial.

V. And it is hereby enacted, that if any person summoned, as aforesaid, shall neglect or refuse to attend in pursuance thereof, or to remain in attendance to the end of such trial, without sufficient cause, then it shall be lawful for the said Superintendent of Marine to impose upon any such person a fine not exceeding the sum of Rupees 200 for every such default, and every Justice of the Peace for the Town of Calcutta is hereby anthorized and required, upon representation made to him in writing and signed by the said Superintendent, to enforce the payment of such fine in like manner as if such fine had been imposed by himself.

VI. And it is hereby enacted, that the proceedings before such Court shall be conducted on the part of Government by such person as the Governor of Bengal shall, from time to time, appoint as Judge Advocate for that purpose.

VII. And it is hereby enacted, that it shall be lawful for the said Judge Advocate, and he is hereby authorized and required, either at the request of the party accused or of the party making the accusation, or of the said Court, by writing under his hand, to summon any person whatsoever, to attend as a witness, at a time and place to be specified in such Summons, for the purpose of being examined at any trial before a Court constituted as aforesaid, or if such person shall be about to depart from Calcutta so as to be unable to attend at such trial without serious inconvenience, then to be examined before the President of the said Court, and any two Members of the said Court. Provided always, that due notice of the time and place of such examination shall be given to the person against whom a charge is about to be preferred; And provided also, that such witness may nevertheless be examined at the trial if he shall be able to attend thereat, in which case his previous examination may also be read at the trial.

VIII. And it is hereby enacted, that every witness, duly summoned to attend any such Court or President and two Members, shall, during his necessary attendance on such Court or President and two Members, and in going to and returning from the same, be privileged from arrest, and shall, if arrested in breach of such privilege, be discharged by such Court or President and two Members, or by the Supreme Court or any Judge thereof, or by any Justice of the Peace in and for the Town of Calcutta, upon its being made to appear to such Court or President and two Members constituted by this Act, or to such Supreme Court, or Judge, or to such Justice of the Peace by affidavit in a summary way that such witness was arrested in going to or returning from or attending upon such Court or President and two Members constituted by this Act, and that every witness so duly summoned to attend as aforesaid, who shall not attend on such Court or President and two Members, or who attending shall refuse to give evidence on Oath or Solemn Affirmation or Declaration, or to answer all such questions as the Court or President and two Members may legally demand, shall be liable to be attached in the Supreme Court,

upon complaint made in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

IX. And it is hereby enacted, that every Member assisting at every such Court before the commencement of any proceeding to be had before it, shall take the following Oath upon the Holy Evangelists, which Oath shall be administered by the President of such Court to the other Members thereof, and to the President by the Judge Advocate, that is to say,—

"I, A. B., do swear that I will duly determine and administer justice according to the evidence in the matter that shall be brought before me, and that I will not divulge the sentence till it shall be approved of by competent authority, neither will I at any time divulge the vote or opinion of the President, nor my own vote, nor that of any Member of this Court, unless required to give evidence thereof as a witness by a Court of Justice in due course of Law. So help me God."

X. And it is hereby enacted, that the Judge Advocate who is to conduct the Proceedings of the said Court shall take the following Oath, which Oath shall be administered by the President—

"I, A. B., do swear that I will not upon any account whatsoever disclose or discover any vote or opinion of the President or any particular Member of this Court unless required to give evidence thereof as a witness by a Court of Justice in due course of Law. So help me God."

XI. And it is hereby enacted, that every witness before any such Court or President and two Members, shall be examined upon Oath, which such Courts and President and two Members are hereby authorized to administer. Provided always that in all cases wherein a Solemn Declaration or Affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an Oath, the said Court or President and two Members constituted by this Act, shall substitute such Solemn Declaration or Affirmation for an Oath.

XII. And it is hereby enacted, that any person wilfully and knowingly giving false testimony on Oath or Solemn Declaration or Affirmation in any case in which an Oath or Solemn Declaration or Affirmation is by this Act required to be made, shall be deemed guilty of wilful and corrupt perjury, and, being duly convicted, shall be liable to the pains and penalties of perjury.

XIII. And it is hereby enacted, that if the party against whom a charge is preferred shall appear, or shall not satisfy the Court that he has a reasonable excuse for not appearing, the said Court shall proceed to hear and determine the charges preferred by the said Superintendent against any person or persons so employed in the Pilot Service as aforesaid, and if such person or persons shall be found guilty by the said Court of the breach of duty laid to his or their charge, it shall be com-

petent to the said Court, and it is hereby required, to sentence such person or persons to dismissal from the said Pilot Service, or to such other punishment by loss of rank or pay as to the said Court shall appear fit, whether or not such breach of duty be punishable under a certain Code called the Penal Code for the better order and government of the Members composing the Pilot Service, passed by order of the Right Hon'ble the Vice-President in Council, on the 21st December 1826.

XIV. Provided always, and it is hereby enacted, that in all cases wherein the charge preferred before such Court is a charge of a breach of duty punishable under the said Code, the said Court shall award such punishment as is prescribed for such breach of duty in the said Code and no other.

XV. Provided also, and it is hereby enacted, that the said Code shall remain in full force as regards the several breaches of duty therein specified, but that it shall be competent for the said Superintendent of Marine, and he is hereby empowered in any case of breach of duty not specified in the said Code, to frame such charge as shall be applicable to the facts of the case and to prefer the same to the said Court.

XVI. Provided always, and it is hereby enacted, that nothing in this Act contained shall prevent the said Superintendent from deciding summarily in cases in which he was empowered to decide summarily before the passing of this Act.

XVII. And it is hereby enacted, that the proceedings of such Court shall be sent on completion of the trial to the Superintendent of Marine, and it shall be lawful for the said Superintendent of Marine to send back the proceedings to the Court for revision of the finding or sentence or both.

XVIII. And it is hereby enacted, that every finding and sentence of such Court as aforesaid shall be subject to the approval of the Governor of Bengal, and that no such finding or sentence shall be considered final or conclusive until it has been submitted to and approved by the Governor of Bengal, who is hereby empowered to remit any part or the whole of such sentence as he shall think fit, and that every such sentence either of dismissal from the service or of loss of rank or pay, upon being confirmed or mitigated by the said Governor of Bengal, shall be considered valid and effectual from the date of such confirmation or mitigation and shall be forthwith carried into effect.

XIX. And it is hereby enacted, that it shall be lawful for the said Superintendent of Marine to make such Rules for conducting the proceedings and regulating the practice of the said Courts, and for carrying into effect the purposes of this Act, as to the said Superintendent shall seem expedient, and all such Rules shall be submitted to the Governor of Bengal, and shall have full effect after they shall have been confirmed by the Governor of Bengal.

Act No. XXVI. of 1845.

Passed on the 27th December 1845.

An Act to regulate the granting and withholding Licenses for the Sale of Liquors within the Town of Calcutta.

I. It is hereby enacted, that all powers and duties now vested by Law in the Justices of the Peace with respect to granting and withholding Licenses for the sale of Arrack or other Spirituous or Fermented Liquors within the Town of Calcutta, shall, from and after the passing of this Act, be vested in and discharged by any person whom the Governor of Bengal may appoint for that purpose.

II. And it is hereby enacted, that the Governor of Bengal shall have authority at all times to regulate the form of Licenses to be granted for the sale of Arrack and other Liquors as aforesaid in the Town of Calcutta, and to vary and add to the terms and conditions thereof.

III. And it is hereby enacted, that whenever a License to sell Arrack or other Liquors as aforesaid shall be granted under the provisions of this Act, the Officer granting such License shall be authorized to demand, in consideration of the privilege granted, such fee, tax or duty as may from time to time be fixed under the sanction of the Governor of Bengal. And such fee, tax or duty may be made payable in advance, or at such period as may be settled by the Officer granting the License.

IV. And it is hereby enacted, that it shall be lawful for the Officer granting such License to withhold or recall the same, in case the fee, tax or duty aforesaid be not duly paid according to the conditions upon which such License shall be granted. And any person vending Arrack or other Liquors as aforesaid within the Town of Calcutta, whilst such License shall be withheld, or after it shall have been recalled as aforesaid, shall be liable to all the penalties for vending Arrack or other Liquors as aforesaid without a License.

Act No. XXVII. of 1845.

Passed on the 27th December 1845.

An Act for enabling Assistant Magistrates vested with special powers to decide Cases under the provisions of Act IV. of 1840.

I. It is hereby enacted, that in the territories subject to the Presidency of Fort William in Bengal, Assistant Magistrates vested with special powers, shall be competent to decide cases under the provisions of Act IV. of 1840 when such cases are referred to them by the Magistrates to whom they are subordinate, and that such Assistants shall deal with such cases in the same way as Magistrates are competent to deal with them under the said Act.

II. Provided always that the Magistrates may at all times recall from such Assistants any depending cases which may have been referred to them under this Act, and which, for the more speedy administration of justice, or for any other reason, the Magistrates may deem it proper to determine themselves in the first instance.

Act No. XXX. of 1845.

Passed on the 27th December 1845.

An Act for enabling Session Judges within the Madras Presidency to award fines in compensation to injured parties.

It is hereby enacted, that from the 1st day of February 1846, it shall be competent to the Session Judges within the Presidency of Fort St. George in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to Magistrates to award fines under Clause Second, Section XXXIX. Regulation IX. 1816 of the Madras Code.

Act No. XXXI. of 1845.

Passed on the 27th December 1845.

An Act for exempting the Pensions of Soldiers and others from Attachment by Process of the Courts of the East India Company.

I. It is hereby enacted, that the reduced Pay or Pension, however denominated, of Invalid Officers and Soldiers and retainers of the Bombay Army, or any other monthly or annual pecuniary allowance granted on retirement from the public service, by the authority of the Governor in Council of Bombay, to any person, in consideration of past services and present infirmities, or old age, for the term of the life of such worn-out or disabled Officer or Public Servant, shall not, from and after the passing of this Act, be liable to seizure, attachment, or sequestration by the process of any of the Courts of the East India Company within the said Presidency, at the instance of a creditor for any demand against the Pensioner, or in satisfaction of a decree or order of any such Court, nor any money due or to become due on account of such pension or allowance, unless the same have been assigned or made over by the Pensioner, by a writing under his signature executed previous to the passing of this Act, any Law or Regulation to the contrary notwithstanding.

II. And it is hereby enacted, that all assignments, bargains, sales, contracts, agreements or securities whatsoever, made after the passing of this Act by such Pensioner as described in the foregoing Section, for any money to become due thereafter on account of his pension, shall be null and void, and of no effect, any Law or Re-

gulation to the contrary notwithstanding. Provided always that nothing herein contained shall be construed to prevent or render null the assignment of money due on account of a pension or monthly or annual pecuniary allowance, by a writing under the signature of the Pensioner executed on or after the date when the same shall become due.

ACT No. II OF 1846.

Passed on the 7th January 1846.

AN ACT relating to Unscrewed Cotton exported from the Continent of India and imported at the Bombay Presidency.

I. It is hereby enacted, that unscrewed Cotton Wool shall be allowed to be exported from any Subordinate Port of the Bombay Presidency to the Port of Bombay, free of the Duty specified in Schedule B of Act No. I. of 1838, and to the Port of Bombay from any Port of the Madras Presidency, free of the Duty specified in Schedule B of Act No. VI. of 1844, to which Port of the Madras Presidency the Governor in Council thereof may from time to time be pleased, by a notification in the Official Gazette, to grant such exemption of that Duty; Provided that the Cotton Wool so exported shall not be shipped on a square-rigged vessel.

II. And it is hereby enacted, that Cotton Wool shall be allowed to be imported into the Port of Bombay, from any part of the Continent of India, free of the Duty specified in Schedule A of the said Act No. I. of 1838.

ACT No. IV. OF 1846.

Passed on the 7th January 1846.

AN ACT for amending the Law regarding the Sale of Land in Execution of Decrees in the Territories subject to the Presidency of Fort William in Bengal.

I. It is hereby enacted, that so much of Sections 10 and 11, Regulation I. 1793; Section 7, Regulation XXVII. 1795; Sections 37 and 38, Regulation XXV. 1803; and Sections 27 and 28, Regulation IX. 1805, as relates to the Adjustment of the Government Jumma on lands exposed to public sale in satisfaction of the decrees of the Courts of Civil Judicature; Regulations XIV, 1793; XX. 1795; and XII. 1796; Sections 15 to 26, (both inclusive) Regulation XXVI. 1803; so much of Sections 27 and 28, of the same Regulation as relates to the satisfaction of decrees; and Clauses Second and Third, Section 4, Regulation VII. 1825, all of the Bengal Code, be repealed.

II. And it is hereby enacted, that all Regulations or parts of Regulations which extend any of the Regulations or parts of Regulations hereinbefore repealed, be also repealed.

III. And it is hereby enacted, that in the territories subject to the Presidency of Fort William in Bengal, except the North-West Provinces, attachments and sales of land, or of any interest in land, in satisfaction of the decrees or other process of the Courts of Civil Judicature, shall be made by such Courts or under their directions, and that the rules now in force for the attachment and sale of such real property as the Courts of Civil Judicature are now authorized to sell in satisfaction of decrees without application to the Revenue Authorities, shall apply to attachments and sales made under the authority of this Act.

IV. And it is hereby enacted in addition to the said rules, that in the said territories, except as aforesaid, whenever a holder of a decree of any Court of Civil Judicature shall apply to such Court for the sale in execution of any estate paying Revenue to Government, or any portion of any such estate he shall, at the time of making such application, file an authenticated extract from the Register of the Collector's Office, specifying the Jumma of such estate, which shall be inserted in the Notification of Sale.

V. And it is hereby enacted in addition to the said rules, that in the said territories, except as aforesaid, the purchaser at any such sale shall be required to deposit immediately, either in Cash, Bank of Bengal Notes, or Post Bills, or Government Securities duly endorsed, fifteen per cent on the amount of his bid, and in default of such deposit, such land or interest therein shall forthwith be put up again and sold; and if the purchaser, having paid the deposit required, shall neglect or refuse to pay the purchase money within the period which may be stipulated, the deposit shall be forfeited and shall be applied as if it were purchase money, and the land or interest therein, or such portion thereof as may be sufficient to satisfy what remains due, shall be again put up to sale, due notification having been first given.*

VI. And it is hereby enacted, that in the North-West Provinces of the territories subject to the Presidency of Fort William in Bengal, attachments and sales of land, or of any interest in land, in satisfaction of the decrees or other process of the Courts of Civil Judicature, shall (except in the case of land which the Courts themselves are now by law authorized to attach and sell) be made by the Collector or any of his subordinate officers under his directions, upon the requisition of such Courts.

VII. And it is hereby enacted, that in the last mentioned Provinces, every such requisition shall specify the number of the suit, the Court which made the decree, the amount to be realized, the names of the parties, distinguishing those whose land or interest it is intended to sell, and the amount for which each is liable, if they are severally liable, and the land or interest which each is alleged in the Schedule of the party applying for execution to be possessed of.

VIII. And it is hereby enacted, that in the last mentioned Provinces the Collector shall issue a Proclamation, in the current language of the country, of any intended sale of land or any interest therein, thirty days at least before the day appointed for the sale, exclusive of the day of sale, and of the day on which the Proclamation is issued, and the said Proclamation shall specify the name of the person whose land or whose rights and interests in certain land are to be sold, and the Jumma of the estate constituting the property, or in which the property is situate; also particulars of the property to be sold, of the time and place of sale, and of the amount due for the recovery of which the sale is ordered, and such Proclamation shall be fixed up in some conspicuous place within the village or town in which the said land is situate, or which is nearest to the said land, and in the Cutcherries of the local Moonsiff, of the Collector, of the Zillah or City Judge, and of the Court from which the requisition issued.

IX. And it is hereby enacted, that in the last mentioned Provinces the provisions contained in Section V. of this Act shall be applicable to sales of land or any interest in land in execution of decrees of Court or other judicial process.

X. And it is hereby enacted, that in the territories subject to the Presidency of Fort William in Bengal, sales of land or of any interest in land in execution of decrees of Court or other judicial process, shall be of the nature of private transfers.

XI. And it is hereby enacted, that in the territories subject to the Presidency of Fort William in Bengal, the Courts of Sudder Dewanny Adawlut shall, from time to time, frame such rules as to them shall seem meet, and as shall not be repugnant to any thing in this Act contained, for the attachment and sale of property in satisfaction of decrees or other process of the Courts of Civil Judicature, which rules shall, after they have been approved by the Governor General of India in Council, have the same force as if they had been part of this Act, until revoked by the said Courts of Sudder Dewanny Adawlut with the approbation of the said Governor General of India in Council, or by the said Governor General of India in Council.

XII. And it is hereby enacted, that in the territories subject to the Presidency of Fort William in Bengal, all applications which may have been made by the Courts of Civil Judicature to the Revenue Authorities for the sale of land, or of any interest in land, in satisfaction of decrees or other process of such Courts, previously to the passing of this Act, shall be proceeded upon as if this Act had not been passed.

XIII. And it is hereby enacted, that nothing contained in this Act shall affect the process of Her Majesty's Supreme Court of Judicature, or of the Court of Requests at Calcutta, or of any Court in the Settlements in the Straits of Malacca.

Act No. VII. of 1846.

Passed on the 5th December 1846.

An Act regarding the Deposit of Diet Money for Witnesses in petty cases.

It is hereby enacted, in modification of Clause 1, Section 2, Regulation III, 1812, of the Bengal Code, that in the territories subject to the Presidency of Fort William in Bengal, it shall be lawful for the Magistrates to regulate the amount of Diet Money required for witnesses in petty cases, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses to direct the deposit of any further sum which to the said Magistrates may seem requisite.

Act No. X. of 1846.

Passed on the 5th December 1846.

An Act for regulating the proceedings in certain cases of distraint for Arrears of Rent.

I. It is hereby enacted, in modification of Section 9, Regulation VII. of 1799, Section 9, Regulation V. of 1800. and Clause 2, Section 17, Regulation XXVIII. of 1803, all of the Bengal Code, that if any person, not being such a defaulter as is therein mentioned or responsible for him, shall claim as his right property which has been distrained for arrears of rent due from the said defaulter, and shall within five days, reckoning from the day after attachment, enter into a bond before the Collector of the Zillah or the Commissioner appointed under Act I. of 1839, with good security binding himself to institute before the Collector, within fifteen days from the date of such bond, a summary suit against the distrainer and defaulter for the trial of the right, and to restore the property or make good its value in case the claim be disallowed, with all costs of suit and damages, the distrainer shall immediately withdraw the attachment.

II. Provided always, and it is hereby enacted, that, if the claimant shall not within the said fifteen days institute such summary suit, it shall be lawful for the distrainer to recover the value of the property distrained, together with the expenses of the attachment, by attachment and sale of the personal property of the claimant, or his surety, or both, unless the claimant shall restore the property, or, if the distrainer prefer it, make good its value.

III. And it is hereby enacted, that no suit to set aside the summary award of the Collector under this Act, shall be brought after the expiration of one year from the date of such award.

Act No. III. of 1847.

Passed on the 19th February 1847.

An Act to provide for the appointment of Constables and Peace Officers at the Settlements in the Straits.

Whereas by the Letters Patent for the establishing Her Majesty's Court of Judicature at Prince of Wales' Island, Singapore and Malacca, His late Majesty King George the Fourth, amongst other things, authorized and empowered the said Court at their General and Quarter Sessions from time to time to nominate and appoint such persons as the said Court should see fit to be and act as Constables, or to perform the duties performed by Constables and subordinate Peace Officers in that part of his United Kingdom called England, as nearly as the different religions, customs and manners of the different inhabitants of the said Settlements and places should require or would admit, and his said late Majesty authorized and empowered the said Court to direct that the said Constables and other subordinate Peace Officers should have and exercise their authority in and over any particular District or Districts, or any particular class or classes, tribe or tribes of the inhabitants of the said Settlements of Prince of Wales' Island, Singapore and Malacca and places aforesaid as the said Court should see fit. And His said late Majesty authorized and empowered the said Court to compel all and every such persons to serve the said offices to which they should be appointed in like manner as persons may be compelled to serve the office of Constable within that part of His United Kingdom called England, so far as the religions, customs and manners of such persons would admit, and that before they should enter upon their respective offices, they should respectively take before the said Court the oath of allegiance, and an oath well and faithfully to execute the same without favor or partiality, malice or hatred :

And whereas it is expedient that all Constables and subordinate Peace Officers and other persons appointed to perform the duties of Police should receive pay in remuneration for the performance of their duties :

And whereas, by the 13th Section of Act XII. of 1839, it was enacted that out of the Funds collected from the Assessment and Taxes leviable under that Act, provision should be made, in conformity with such instructions as might from time to time be issued by the Governor of Bengal, for the efficient watching, cleansing, lighting and repairing of the streets and thoroughfares in the Towns of George Town, Singapore and Malacca, and for the making and repairing of Roads and Bridges, and the effecting of other purposes necessary for the comfort and protection of the inhabitants of the incorporated Settlement therein aforesaid :

And whereas it is expedient that all Constables and subordinate Peace Officers and other persons appointed to perform duties of Police should be appointed by the authorities from whom they receive the pay and by no other:

I. It is therefore hereby enacted, that from and after the 19th of March 1847, no Constable or subordinate Peace Officer, or other person appointed to perform duties of Police, shall be appointed by the said Court at their General and Quarter Sessions, or otherwise.

II. And it is hereby enacted, that the Deputy Superintendent of Police, and every Constable and subordinate Peace Officer, and other person appointed to perform duties of Police, except the Superintendent of Police, shall be appointed by the Governor of Prince of Wales' Island, Singapore and Malacca, and that the Superintendent of Police shall continue to be appointed as heretofore by the Governor of Bengal.

Act No. X. of 1847.

Passed on the 19th of June 1847.

An Act for amending Act XXX. of 1836.

It is hereby enacted, that within the territories subject to the Government of the East India Company whenever any Court, not included under the provisions of Act XXIV. of 1843, shall sentence any offender to imprisonment for life under the provisions of Act XXX. of 1836, it shall at the same time sentence such offender to transportation beyond sea for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation, which special reasons the Court is hereby directed to record.

Act No. XVI. of 1847.

Passed on the 23rd October 1847.

For constituting Commissioners for the improvement of the Town of Calcutta, partly by appointment of the Government and partly by election of the Rate-payers.

Whereas by the 158th Section of the 52nd Chapter of the Statute 33, George III., certain powers and duties, in regard to the collection and disbursement of the Assessment thereby authorized to be made by the Justices of the Peace within or for the Presidency of Fort William, were conferred and imposed upon the said Justices. And whereas by Act No. XXIV. of 1840, certain changes were made in the law relating to the said Assessment.

And whereas it is apparent that the Sewerage and Drainage of the Town of Calcutta, and the supply of water for the domestic use of the inhabitants thereof, and the due cleansing of Drains therein, and the means of providing for the due ventilation of the Town, and the repairing, cleansing and lighting the roads and streets, and the making convenient lines of communication by spacious streets, and the preventing and removing of nuisances, and the due provision of adequate means for the relief of the sick poor in the said Town, are very defective, all which cause excessive disease and great mortality. And whereas the Laws and Regulations now in force, and the pecuniary means applicable to the said objects, are wholly insufficient for the remedy of so great a mischief, and whereas it is expedient that remedy should be had herein.

I. It is hereby enacted, that Act No. XXIV. of 1840, entitled an Act for amending the Law with respect to Rates for Municipal purposes within the Town of Calcutta, is repealed.

II. And it is hereby enacted, that all the said powers and duties, in regard to the collection and disbursement of the said Assessment, shall from and after the First day of January, 1848, cease to be exercised and performed by the said Justices for the Town of Calcutta, and shall be exercised and performed by a Board of Seven Commissioners, to be called the Commissioners for the Improvement of the Town of Calcutta, of whom three shall be appointed by the Governor of Bengal, and four shall be elected by the Rate-payers of the Town of Calcutta, that is to say, one by the Rate-payers of each of the following Divisions, *viz.*—

1st or Upper North Division, bounded

A North by Maharatta Ditch.
South by Cotton Street and Meerbhur's Ghaut Street.
East by Chitpore Road.
West by River Hooghly.

B North by the Maharatta Ditch.
South by Mutchoa Bazar.
West by Chitpore Road.
East by Central Road.

C North and East by Circular Road.
South by Mutchoa Bazar Road.
West by Central Road.

2nd or Lower North Division, bounded

A North by Cotton Street and Meerbhur's Ghaut Street.
South by the Police Ghaut, Hare Street, North side of Tank Square and Loll Bazar.
East by Chitpore Road.
West by the River Hooghly.

B North by Mutchoa Bazar.
South by Bow Bazar Street.
East by Central Road.
West by Chitpore Road.

C North by Mutchoa Bazar.
South by Bow Bazar Street.
East by Circular Road.
West by Central Road.

3rd or Upper South Division, bounded

A North by Police Ghaut, Hare Street, North side of Tank Square, and Loll Bazar.
South by East and West Esplanade Row.
East by Cossitollah Street.
West by the River Hooghly.

B North by Bow Bazar Street.
South by Dhurrumtollah.
West by Cossitollah.
East by Central Road.

C North by Boitakhanna Street.
South by Dhurrumtollah ditto.
East by Circular Road.
West by Central Road.

4th or Lower South Division, bounded

A North by Dhurrumtollah Street.
South by Park Street.
East by Circular Road.
West by Chowringhee Road.

B South and East by Circular Road.
North by Park Street.
West by Chowringhee Road;

or of such other Divisions as the Governor of Bengal may from time to time appoint; or, in default of election, shall be appointed by the said Governor of Bengal, and any vacancies which may from time to time occur in the situations of any of the Commissioners who shall have been appointed by the said Governor, shall be filled up by the appointment of the said Governor.

III. And it is hereby enacted, that the said Commissioners shall severally receive Salaries as may from time to time be fixed by the Governor of Bengal, with the concurrence of the Governor General in Council, and that for the exercise and performance of all the powers and duties hereinbefore or hereinafter conferred and imposed upon the said Commissioners, five shall be a quorum. Provided always, and it is hereby enacted, that it shall be lawful for any one of the said Commissioners to issue a warrant of Distress for the recovery of any arrears of any rates or taxes accruing under the said 158th Section of the said Statute or under this Act.

IV. And it is hereby enacted, that the time and place and manner of the elections of the said elective Commissioners in each of the said Divisions shall be according to such scheme as shall be agreed upon by a general meeting of the Owners and Occupiers of assessed houses, buildings and grounds in the said Town, consisting of not less than one hundred of the said Owners and Occupiers, and presented on behalf of such meeting to the Governor of Bengal and approved by him. But so as such elections shall take place annually.

Provided always and it is hereby enacted, that if no such general meeting shall be held within one month from the passing of this Act, or if no such scheme shall be presented on behalf of such meeting to the Governor of Bengal within one month after such meeting shall have been held, it shall then be lawful for the said Governor of Bengal to appoint the whole of the said Commissioners.

Provided also and it is hereby enacted, that the scheme shall be laid by the Governor of Bengal before the Governor General in Council for his approbation, and shall not be in force until such approbation shall have been signified in writing.

V. And it is hereby enacted, that the said Commissioners shall from and after the said day have power within the said Town to levy upon the Owners or Users of the several kinds of Carriages, Carts and Horses mentioned in the Schedule to this Act annexed, taxes according to the rates mentioned in the said Schedule, and that the said Commissioners shall have power and discretion to compound with Livery Stable-keepers and other persons keeping Carriages and Horses for hire, for an annual rate of tax, to be assessed upon the Carriages and Horses in their establishments, in lieu of taxes, according to the rates mentioned in the said Schedule.

VI. And it is hereby enacted, that the said taxes, according to the rates mentioned in the said Schedule, shall be levied quarterly, and that every person who

has been the Owner or User of a Carriage or Horse within the said Town during thirty days in any one quarter shall be liable for the taxes of that entire quarter. Provided always, that no person who has not been the Owner or User of a Carriage or Horse within the said Town during thirty days in any one quarter shall be liable to any tax in respect of any Carriage or Horse. Provided also, that no such tax shall be levied in respect of any Horse, Carriage or Cart in the employment of Government.

VII. And it is hereby enacted, that the assessments and rates made under the authority of the Statute 33 George III. C. 52, Section 158, and of Section II. of this Act, shall be of such amount as, together with the amount of the taxes to be levied by the Commissioners under Section V. of this Act, and together with such other funds as may be placed at the disposal of the said Commissioners by the Government of Bengal, shall appear to the said Commissioners expedient for completely effecting the purposes specified in this Act, any thing in the said 158th Section of the said Statute notwithstanding. Provided always, that no rate shall be made exceeding five per cent. on the assessed value of property without the sanction of the Governor of Bengal.

VIII. And it is hereby enacted, that, for the assessment and collection of the rates and taxes to be levied by the said Commissioners, it shall be lawful for the said Commissioners to appoint such Assessor or Assessors, Collector or Collectors, to make such union of the offices of Assessor and Collector, and to prescribe such rules and take such securities for the due execution of the duties of such Assessors and Collectors, as the said Commissioners shall deem expedient, and such Assessors and Collectors shall receive such salaries as the Government of Bengal may see fit to sanction.

IX. And it is hereby enacted, that it shall not be necessary in any assessment rate or warrant of distress under the said Statute and this Act, to specify the names of the Owners or Occupiers of houses, buildings and grounds; but it shall be sufficient if every property rated be identified, and, in the case of houses, numbered in any street, that the name of the street and number of the house rated be particularly specified.

X. And it is hereby enacted, that the goods and chattels of the Owners of any houses, buildings or grounds rated under the said Statute and this Act, shall be seizable any where (except goods and chattels concealed as hereinafter mentioned) for deficiency in the payment of rates, and that all goods and chattels which shall be found upon any premises rated shall be seizable for any arrears, which may be due for a period of one year immediately preceding such seizure, and in the case of the seizure of the goods and chattels of a tenant under such circumstances, such tenant may deduct the amount of the levy from the next payment of his rent.

XI. And it is hereby enacted, that, when there is ground to suspect that Goods and Chattels liable to distress under the said Statute and this Act are concealed in any Zenana, the Officer charged with the execution of the warrant shall make a special report to the Commissioner granting the same, who shall thereupon follow as closely as is practicable, the rules for the seizure of goods and chattels in like cases adopted by Her Majesty's Supreme Court.

XII. And it is hereby enacted, that it shall be lawful for the said Commissioners, and they are hereby required, to make rules and as occasion may require to add to, revoke, or alter the same, for the regulation of the time and manner of assessing and levying the said taxes, and for compelling persons to give any information which may be necessary for that purpose, and for imposing penalties upon persons not performing any duty cast upon them by the said rules for the said purpose, and upon persons obstructing any persons, acting under the said Commissioners in that behalf, so as that such penalty shall not in any case exceed 100 Rupees.

XIII. And it is hereby enacted, that such rules shall be laid before the Governor of Bengal and approved by him, and shall then be laid by the said Governor of Bengal before the Governor General in Council, and, when approved by him, shall have the force of law. Provided always, and it is hereby enacted, that the said taxes shall not be leviable until such rules have been so made and approved.

XIV. And it is hereby enacted, that it shall be lawful for the said Commissioners to levy the arrears of the said taxes and any penalties which may be incurred under the said rules by the same process of distress as is hereinbefore provided for the levying of the aforesaid rates on houses, buildings, and grounds.

XV. And it is hereby enacted, that the whole proceeds of the said rates and taxes, after paying all salaries, establishments and incidental expenses of the said Commissioners, shall, together with such monies as the Government of Bengal, with the sanction of the Governor General in Council, may direct to be paid over to the said Commissioners, be applied by them to the following purposes, *viz.*—

1. Formation of Tanks and Aqueducts for the conveyance of water to all parts of the Town.

2. Opening of Streets and Squares in crowded parts of the Town.

3. Filling up stagnant pools of water, and removing obstructions to the free circulation of air.

4. Lighting and watering the roads and streets.

5. Cleansing and repairing the same, and the drains of the said Town.

6. And in improving and embellishing the said Town generally.

SCHEDULE.

	Per Annum.
For every 4-wheeled Carriage on springs, drawn by two Horses, ...	32 Rs.
„ every 4-wheeled Carriage on springs, by one Horse, ...	7 „
„ every 2-wheeled ditto ditto, by one Horse or two Horses, ...	16 „
„ every Karanchee, Hackery or Cart, ...	5 „
„ every Riding Horse or Pony, ...	18 „
„ every Draught Horse, ...	2 „
„ every Draught Pony or Tattoo,...	1 „
„ every Draught or burthen Bullock, ...	8 As.

The following Scheme, having been agreed to by the rate-payers, received the sanction of Government, and was published by authority in the Gazette.

SCHEME

for appointing the TIME, PLACE, and MANNER, of election of the four elective Commissioners.

1. That the TIME of election shall be for all the Divisions, the hours from 10 A. M. to 4 P. M, on such two consecutive days of the month of December, in each year, as the Sheriff of Calcutta for the time being shall appoint.

Provided, that notice of the days so to be appointed shall be given by the Sheriff, by publicly advertising the same, in three English and three Native Newspapers, three times in each paper; the first Advertisement in each paper to be published twelve clear days at least before the earliest of the days fixed for the election.

2. That the PLACE of election shall be the Town Hall, for all the Divisions of the Town, for the first election; but for the future a place of election shall be appointed in each Division of the Town by the Sheriff annually, at least ten days before the first day of the balloting, and be notified in three English and three Native Newspapers published in Calcutta; three times in each paper.

3. That the MANNER of the election shall be as follows, *viz.*—

1. That Candidates for the elective Commissionerships shall intimate in writing to the Sheriff, ten clear days before the first day of the Meeting for election, their intention to offer themselves for election, and naming the Division for which they are Candidates.

2. That all elections shall be taken under the Superintendence of the Sheriff of Calcutta, or his substitute or substitutes, to be appointed by him, who shall have equal power with the Sheriff.

3. That the Collector and Assessor of Calcutta do prepare a correct list of qualified rate-payers of each Division, and deliver to each rate-payer, on application, (not being in arrear of assessment rates,) a ticket in the following form, *viz.*:—

Division I, (or 2 or 3, or 4.)

(*a*) House, Building, or Ground,	No.	Street.
(*b*) Valued at Rupees		of yearly rent.
Assessed at Rupees		per quarter.

(*c*) Name of rate-payer, in full.

(Sd.) H. C. W., Collector and Assessor.

[On the reverse side.]

"I, the undersigned, being the rate-payer within described, do hereby vote for as Commissioner for the Division." Calcutta, Dec. 1847.

[Signature of Voter.]

4. That the said tickets shall be delivered annually within the 10 days immediately preceding the first day appointed for the election, between the hours of 10 A. M. and 4 P. M., daily, (Sundays and public holidays excepted.)

5. That any rate-payer, who shall not be provided with the said ticket within the time appointed in the preceding Clause, shall forfeit his right to vote at the said election.

6. That the rate-payer, having obtained the said ticket and filled in the name of the Candidate he desires to vote for and affixed his signature to the same, shall personally attend at the elections, and deposit the same in a box provided for the reception thereof—which shall be considered as his vote in favor of the person whom he desires to be Commissioner for the Division in which he is a rate-payer.

7. That on the day and hour, and at the place appointed for the election of elective Commissioners, four persons duly appointed by the Sheriff to officiate on the occasion, shall take their places at 10 o'clock A. M, at a table or tables on which shall be arranged before them four closed boxes, with apertures for the reception of the Tickets of Voters, marked legibly in Roman and Native Characters, 1, 2, 3, 4, respectively, representing the four Divisions of the Town, into which the Voters shall cast their Tickets, and which Tickets shall not subsequently be removed, except by the Scrutineers appointed to examine and report upon the same.

8. That at the first Meeting, two Scrutineers shall be appointed for each Division by the Voters, before the commencement of the ballotting, to examine the ballot boxes of their respective Divisions and report the same as specified in the following Clause.

9. That on the day following the election, the Scrutineers of the respective Divisions shall, in the presence of the Sheriff or his substitutes, cast up the votes, as they shall appear by the tickets in the boxes, and the person who shall have the greatest number of Voters shall be declared duly elected for each Division respectively, beginning with the 1st Division and ending with the 4th Division.

10. That in the case of any two or more Candidates for the Office of Commissioner, having the same number of votes, a new election shall take place, within one month, in the manner aforesaid.

11. That should a vacancy occur from any cause whatever, in the Office of elective Commissioner, the vacancy shall be filled up by an election, to take place at such place and time as shall be appointed for that purpose by the Sheriff. This election to be in the manner aforesaid, and the Commissioner so elected shall be Commissioner for the ensuing portion of the current year.

12. That the result of the said elections, signed by the Sheriff or other presiding Officer, shall be communicated to the Governor of Bengal, and also published in three Calcutta English Newspapers, and in three Calcutta Native Newspapers, once in each paper.

Act No. XVII. of 1847.

Passed on the 6th November 1847.

An Act for remedying a defect in the Law regarding undiscovered defaults in the prosecution of Suits.

Whereas inconvenience has resulted from the rule that the discovery of defaults in the prosecution of suits and appeals brought in any Court of the East India Company, within the territories subject to the Presidencies of Bengal and Madras, invalidates all proceedings in such suits and appeals, which may have been had since the occurrence of such default:

It is hereby enacted, that in the said Courts, every default of a plaintiff or appellant, in all suits or appeals now pending or hereafter to be brought, and in all suits which have been decided but are still open to appeal, shall be held to be cured, whenever the opposite party, passing over the default, shall have taken any step in the suit or appeal, and whenever the Court shall have passed judgment in the suit or appeal, whether such opposite party shall or shall not have taken any such step.

Act No. XIX. of 1847.

Passed on the 18th December 1847.

An Act to make certain Amendments in the Articles of War for the government of the Native Officers and Soldiers in the Military Service of the East India Company.

Whereas it is expedient to make certain Amendments in the Articles of War provided by Act XX. of 1845, for the government of the Native Officers and Soldiers in the Military Service of the East India Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers:

I. It is therefore hereby enacted, that from and after the First day of March 1848, the Articles of War provided by Act XX. of 1845 are repealed.

II. And it is enacted, that the following Articles of War shall, from and after the said day, be the Articles of War for the government of the said Native Officers and Soldiers in the Military Service of the said Company, and for the administration of justice by Courts Martial to be holden on such Officers and Soldiers. Provided always, that all crimes and offences committed against the Articles of War provided by Act XX. of 1845, aforesaid, may be inquired of and punished in like manner as if they had been committed against the Articles of War hereby provided; and that every Warrant for holding any Court Martial under the Articles of War provided by the Act XX. of 1845 aforesaid shall remain in full force, notwithstanding the repeal of such Articles; and that all proceedings of any Court Martial upon any trial begun under such Articles shall not be discontinued by the repeal of the same.

ARTICLES OF WAR.

SECTION I.

OF ENLISTING AND DISCHARGES.

Article 1.—Every Recruit, prior to being enrolled in his Regiment, shall have the First Four Articles of the Second Section of these Articles of War read and explained to him, and when reported fit for duty in the ranks, such declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Native Officers and Soldiers, and an oath or declaration shall then be required from him, according to the forms of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

* Article 2.—No Commissioned Officer shall be dismissed except by the Sentence of a General Court Martial. No Non-Commissioned Officer or Soldier shall

be discharged as a punishment except by the Sentence of a Court Martial, or by order of the Commander-in-Chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided also, that the Governor General in Council in his executive capacity, and the Governor in Council of any Presidency to which a Commissioned or Non-Commissioned Officer or Soldier may belong, shall have power to order his dismissal or discharge.

ARTICLE 3.—All Non-Commissioned Officers and Soldiers discharged the Service, shall be furnished by the Commanding Officer of the Regiment with a Discharge Certificate, made out in the Vernacular language of the individual discharged, with an English translation, expressing the authority for, and cause of such discharge, and the period of his entire Service in the Army.

* ARTICLE 4.—No Non-Commissioned Officer or Soldier shall enlist himself in any other Regiment without a regular discharge from his former Regiment, under the penalty of being reputed a Deserter, and suffering accordingly.

SECTION II.

CRIMES AND PUNISHMENTS.

Crimes punishable with Death, Transportation, Corporal Punishment, Imprisonment, or Dismissal.

ARTICLE 5.—Any Officer, or Soldier, who shall begin, excite, cause, or join in any Mutiny or Sedition in the Regiment or Corps to which he belongs, or in any other Corps or Regiment whatsoever, on any pretence whatever; or who, being present at any Mutiny or Sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any Mutiny, intended Mutiny, or concealed combination against the State, shall not without delay give information thereof to his Commanding Officer:—or

ARTICLE 6.—Who shall strike his superior Officer, or shall draw, or offer to draw, or lift up any weapon, or use or offer any violence against him, whether on or off duty, and under all circumstances in which his superior Officer may be distinguishable as such in any manner;—or

ARTICLE 7.—Who shall disobey any lawful Command of his superior Officer;—or

ARTICLE 8.—Who shall desert from the East India Company's Service, (whether or not he shall re-enter or re-enlist in the same;)—or

ARTICLE 9.—Who, being a Sentry, in time of war or alarm, shall sleep upon his post; or shall leave it before regularly relieved, or without leave; or shall plunder or injure the property placed under his charge;—or

ARTICLE 10.—Who shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard, committed to his charge, or which it was his duty to defend; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post or Guard;—or

ARTICLE 11.—Who shall treacherously make known the watch-word to any person not entitled to receive it, according to the Rules and Discipline of War;—or

ARTICLE 12.—Who shall hold correspondence with or give intelligence to the Enemy, or any person in arms against the State, either directly or indirectly; or who, coming to the knowledge of such correspondence or communication, shall not discover it immediately to the Commanding Officer;—or

ARTICLE 13.—Who shall, directly or indirectly, assist or relieve the Enemy, or persons in arms against the State, with money, victuals, or ammunition; or shall knowingly harbour or protect any Enemy or person in arms against the State;—or

ARTICLE 14.—Who shall treacherously release, wilfully aid or connive at the escape of any enemy or person in arms against the State, placed as a prisoner under his charge;—or

ARTICLE 15.—Who shall misbehave himself before the enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave;—or

ARTICLE 16.—Who shall, in presence of an enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition;—or

ARTICLE 17.—Who shall leave his Commanding Officer, or his Post, or Colours, or party, in time of action, to go in search of plunder;—or

ARTICLE 18.—Who, in time of war, shall do violence to any person bringing provisions or other necessaries to the Camp or quarters of the forces; or shall force a safeguard; or break into any house, or other place for plunder; or plunder fields, or gardens, or other property;—or

ARTICLE 19.—Who, in time of war, shall, by discharging fire arms, drawing swords, beating drums, making signals, using words or by any means whatever, intentionally occasion false alarms, in Action, Camp, Garrison, or Quarters;—or

ARTICLE 20.—Who shall without proper authority, release any State Prisoner, or, through carelessness or neglect, shall suffer any such prisoner to escape; or shall connive at the plunder or injury of property in time of War, or the plunder or injury of Treasure, or of a Magazine, or Dock Yard, by the Sentry or Guard in whose charge such property, or Treasure, or Magazine, or Dock Yard is placed;—or

ARTICLE 21.—Who, being a Sentry placed over any State Prisoner, or over Treasure, or over a Magazine, or Dock Yard, shall quit his post without being regu-

larly relieved, or without leave; or shall sleep upon his post; or shall plunder or injure the property placed under his charge;

Shall, if an Officer, on conviction, suffer Death, or Transportation for life, or be dismissed the Service;

And, if a Soldier, shall, on conviction, suffer Death or Transportation for life; or Imprisonment, with or without hard labour, for life, or for any term of years; and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement; or shall suffer Corporal Punishment; or Dismissal from the Service; as by a General Court Martial shall be awarded. Provided that no Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his Commanding Officer.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General or District Court Martial with Dismissal, Reduction, Corporal Punishment, or simple Imprisonment, with or without solitary confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

ARTICLE 22.—Any Officer or Soldier who shall in operations in the field, spread reports, by words or letters, calculated to create unnecessary alarm in the Troops, or in the vicinity, or in rear of the Army;—or

ARTICLE 23.—Who shall, in Action or previously to going into Action, use words tending to create Alarm or Despondency;—or

ARTICLE 24.—Who shall be drunk when on, or for duty, or on Parade, or on the Line of March;—or

ARTICLE 25.—Who shall strike or force any Sentry:—or

ARTICLE 26.—Any Soldier who shall be grossly insubordinate or insolent to his superior Officer in the execution of his Office; or grossly insubordinate and violent in the presence of a Court Martial;—or

ARTICLE 27.—Who, being on actual Service, shall refuse to assist in making field works;

Shall, if an Officer, on conviction, be sentenced to be dismissed the Service, or to be suspended from Rank and Pay and Allowances;

And, if a Soldier, shall, on conviction, before a General, or District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be sentenced to Death or Transportation or Imprisonment with hard labour.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers or by General or District Court Martial, with Dismissal, Reduction, Imprisonment, with or without hard labour, and with or without solitary confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

ARTICLE 28.—Any Officer who shall behave in a manner unbecoming the character of an Officer; (the fact or facts whereon the charge is grounded being clearly specified therein;)—or

ARTICLE 29.—Any Officer or Soldier who shall advise or persuade any other Officer or Soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and entertain any Deserter, and shall not immediately on discovery give notice to his superior Officer; or shall not cause such Deserter to be apprehended by the Civil Power;—or

ARTICLE 30.—Who shall obtain or attempt to obtain for himself, or for any Officer or Soldier, or for any other person whatsoever, any Pension or Allowance, by any false Statement, Certificate, or Document, or by the omission of the true Statement, or Certificate, or Document;—or

ARTICLE 31.—Who shall knowingly make a false Return or Report, to any his Superior Officer authorized to call for a Return or Report, of the state of the men under his Command, or of Arms, Ammunition, Clothing, or other Stores thereunto belonging, or of which he may have charge;—or

ARTICLE 32.—Who, at any post, or on the march, shall illegally and against the will of the parties extort money or property of any description, as fees or duties, or on any pretence whatever; or shall, without authority, exact from Villagers or others, carriage, porterage, or provisions;—or

ARTICLE 33.—Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons;

Shall, if an Officer, on conviction, be sentenced to be dismissed the Service, or to be suspended from Rank and Pay and Allowances;

And, if a Soldier, shall, on conviction before a General, District or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by any Court Martial with Dismissal, Reduction, Imprisonment, with or without hard labour, and with or without solitary confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

ARTICLE 34.—Any Officer or Soldier, who, being under arrest or in confinement shall leave his arrest or confinement before he is set at liberty by competent authority;—or

ARTICLE 35.—Who shall malinger, feign or intentionally produce disease or infirmity; or intentionally delay his cure; or intentionally aggravate his disease or infirmity;—or

ARTICLE 36.—Who shall, without orders, commit any waste or spoil, or plunder, or shall injure or destroy any property;—or

ARTICLE 37.—Any Soldier who shall, contrary to orders, when off duty, appear in or about Camp or Cantonments, or on occasion of visiting Towns or Bazars, carrying a Sword, Bludgeon or other Weapon;—or

ARTICLE 38.—Who shall sell, pawn, or designedly or through neglect lose or injure his Horse, Arms, Clothes, Accoutrements or Regimental Necessaries; or any of the above Articles entrusted or belonging to any other Soldier;

Shall, on conviction before a General, District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as such Courts Martial respectively are by these Articles of War empowered to award.

Provided that such offender shall not be sentenced to Death, or Transportation, or Corporal punishment.

Embezzlement, punishable by General Court Martial with Dismissal, Fine, and Imprisonment, with or without hard labour, and with or without solitary confinement, of Officers and Soldiers.

ARTICLE 39.—Any Officer, or Soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any Military purpose; or any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall wilfully spoil such property, or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication;

Shall, on conviction before a General Court Martial, be dismissed the Service, and fined to the extent of his arrears of Pay and Allowances: and be further liable to suffer Imprisonment, with or without hard labour, for a term which may extend to three years, and with or without solitary confinement (to be regulated as aforesaid.)

Disgraceful Conduct; punishable by General or District Court Martial, with Corporal Punishment, or Imprisonment, with or without hard labour and solitary confinement, and, in addition, with forfeiture of additional Pay and of Pension on discharge, and stoppages, of Non-Commissioned Officers and Soldiers.

ARTICLE 40.—Any Soldier who shall be guilty of *disgraceful conduct;*

In wilfully maiming or injuring himself, or any other Soldier, at the instance of such Soldier, with intent to render himself or such Soldier unfit for the Service, or with intent to take his own life;—or

ARTICLE 41.—In purloining or selling Government Stores;—or

ARTICLE 42.—In stealing money or goods, the property of a Soldier, or of a Military Officer, or of any Military Mess, or of any person or persons belonging to or serving with or attached to the Army;—or

ARTICLE 43.—In plundering or injuring property placed under his charge as Sentry, or in charge of his Guard, or in conniving at the plunder or injury of such property;—or

ARTICLE 44.—In embezzling or fraudulently misapplying public money entrusted to him for any Military purpose;—or

ARTICLE 45.—In committing any petty offence of a fraudulent or dishonest nature, to the injury of or with intent to injure the Government, or any person, Civil or Military;—or

ARTICLE 46.—Who shall be guilty of any other *disgraceful conduct*, being of a cruel, indecent, or unnatural kind;

Shall, on conviction before a General, or District, or Garrison Court Martial, be liable to suffer such punishments as any such Courts are by these Articles of War respectively empowered to award for *disgraceful conduct.*

And every such offender shall, if not dismissed the service, further be put under stoppages, by sentence of the Court, not exceeding half of his monthly Pay and Allowances; until the amount be made good of any loss or damage arising out of his misconduct.

And if such offender shall be dismissed the Service, he shall further be sentenced to forfeit his arrears of Pay and Allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes punishable by General Court Martial with Suspension or Reprimand of Officers or by any Court Martial with Dismissal, Reduction, or Simple Imprisonment, with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.

ARTICLE 47.—Any Officer, or Non-Commissioned Officer who shall strike or otherwise ill-treat any Soldier;—or

ARTICLE 48.—Any Sentry who, in time of peace, shall sleep upon his Post; or shall leave it before regularly relieved or without leave;—or

ARTICLE 49.—Any Officer, or Soldier, who shall knowingly enlist a Deserter, or connive at his enlistment;—or

ARTICLE 50.—Who, directly or indirectly, shall acquire or accept a bribe, present, or gratification, on the pretence of, or as a consideration for, procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier; —or

ARTICLE 51.—Who, being in Command at any Post, or on the March, on complaint made to him of any person under his Command beating or otherwise ill-treating any person; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot; shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his Superior Officer;—or

ARTICLE 52.—Who, being in Command of a Guard, shall refuse to receive any Prisoner duly committed to his charge; or shall without proper authority, release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape;—or

ARTICLE 53.—Who shall quit his Guard, or Picquet, in time of peace, without being regularly relieved, or without leave;—or

ARTICLE 54.—Who shall impede the Provost Marshal, or his Assistants, or any other Officer or person legally exercising authority;—or refuse to assist him when requiring his aid in the execution of his duty;—or

ARTICLE 55.—Who, being on leave of absence, shall have received information from the Head Quarters of his Regiment, or from other competent authority, that his Regiment has been ordered on service, and shall not rejoin without delay;—or

ARTICLE 56.—Who, in time of peace, shall, by discharging fire arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in Camp, Garrison, or Cantonments;—or

ARTICLE 57.—Who shall fail to repair at the time fixed to the parade, or place appointed for exercise or duty, if not prevented by sickness or some other sufficient cause;—or

ARTICLE 58.—Who shall, without urgent necessity, or without leave of his Superior Officer, quit his Company, or Troop, or the Parade;—or

ARTICLE 59.—Who shall absent himself without leave; or shall, without sufficient cause, overstay the period for which leave may have been granted him;—or

ARTICLE 60.—Any Soldier who shall be found two miles from the Camp contrary to orders ;—or

ARTICLE 61.—Who shall, contrary to orders, be absent from his Cantonment after tatoo, or from Camp after retreat beating ;—or

ARTICLE 62.—Who shall sell, lose, or designedly, or through neglect, waste the ammunition delivered out to him ;

Shall, if an Officer, on conviction, be sentenced to Suspension from Rank and Pay and Allowances ; or to be Reprimanded in such manner as the Commander-in-Chief may direct ;

And, if a Soldier, shall on conviction before a General, or District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award ;

Provided, that such offender shall not be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labour.

ARTICLE 63.—All crimes not capital, and all disorders or neglects which Officers or Soldiers may be guilty of, to the prejudice of good order and Military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the Sentence of a General, or District, or Garrison, or Regimental Court Martial ; provided that a Soldier shall not for any such offences be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labour.

Crimes incident to Courts Martial ; punishable by General Court Martial with Dismissal or Suspension of Officers, and by any Court Martial with Dismissal or Reduction of Non-Commissioned Officers, and with Dismissal or Simple Imprisonment of Soldiers

ARTICLE 64.—Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or to make affirmation, or to answer any lawful question ; or who shall induce any other person so to offend ;

Shall be punished according to the Sentence of the same or another Court Martial, with Dismissal, or Suspension from Rank and Pay and Allowances, if a Commissioned Officer ; with Dismissal, or Reduction to the Ranks, if a Non-Commissioned Officer ; or with Dismissal, or Imprisonment, if a Soldier ;

Provided, that such person, being a Commissioned Officer, shall not be liable to be punished by any but a General Court Martial ; and that no offender punished under the provision of this Article of War shall be sentenced to suffer Imprisonment with hard labour, or Corporal Punishment.

ARTICLE 65.—Any person not amenable to these Articles of War, who, having been summoned before any Court Martial, shall refuse or neglect to attend; or who, attending, shall refuse to be shown, or to make affirmation, or to answer any lawful question; or shall give such testimony as, if given in a Criminal Court, would render him guilty of perjury; or who shall induce any other person so to offend;

Shall be delivered to a Magistrate to be proceeded against according to law.

ARTICLE 66.—Any person using menacing or disrespectful words, signs, or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings;

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another Court Martial, if he be amenable to these Articles of War; provided that such offender shall not be liable to be sentenced to Corporal Punishment or to Imprisonment with hard labour; and if not amenable to these Articles of War, the offender shall be delivered over to a Magistrate to be proceeded against according to law.

Perjury; punishable by General or District Court Martial with Dismissal, and in addition with Fine, or simple Imprisonment, of Officers and Soldiers.

ARTICLE 67.—Any Officer, or Soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General or other Court Martial, or any Military Court entitled to administer an oath: or of inducing any other person so to offend;

Shall be dismissed the Service, and shall be further subject to Fine, to the amount of his arrears of Pay and Allowances, or to Imprisonment which may extend to three years;—according to the Sentence of a General, or District, or Garrison Court Martial.

Crimes admitting of less serious notice.

ARTICLE 68.—Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a General, or District, or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District, or Garrison, or Regimental Courts Martial—in such cases the Officer Commanding the Regiment or Corps to which the offender belongs may, if he thinks it expedient and for the good of the Service, order the offender to be tried by Regimental Court Martial, for any offence ordinarily cognizable by District, or Garrison Court Martial; making however a report in every such case, for the information of the General Officer Commanding the Division, of the reasons of his having so proceeded; or such Commanding Officer may lay a particular statement of the case

before the General, or other Officer having authority to convene General, or District, or Garrison Courts Martial, under whose command such offender may be serving, with an application for permission to try the offender by District, or Garrison, or Regimental Court Martial; and such General or other Officer will exercise his discretion in complying or not with such application; but the permission of such General or other Officer so to proceed, shall be entered upon the proceedings at the trial of such offender.

Provided, that MUTINY shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated "*Disgraceful Conduct*" in these Articles of War, and admitting of less serious notice, shall be tried by Regimental Courts Martial, the term "*Disgraceful Conduct*" shall be omitted in the Charge; and the offender shall, on conviction, be liable to suffer such punishment as a Regimental Court Martial is by these Articles of War empowered to award.

Offences on the Line of March or on board Vessels.

ARTICLE 69.—For offences committed on the Line of March, or on board any Ship or other Vessel, the Officer in Command of the Troops is hereby authorized to try any Soldier by a Regimental, or Detachment Court Martial, and to confirm and execute the Sentence on the spot;

Provided, that such Sentence shall in no case exceed that which a Regimental Court Martial is competent to award;—and that the proceedings held in all such cases shall be transmitted for the information of the Commander-in-Chief.

SECTION III.

ADMINISTRATION OF JUSTICE.

ARTICLE 70.—Whenever any Officer or Soldier shall commit a crime deserving punishment by Court Martial, he shall, by his Commanding Officer, be put under arrest, if an Officer or Non-Commissioned Officer; or if a Soldier, be confined, until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority; and no Officer or Soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement, or an attempt to effect such process, shall in no case be omitted where it may be practicable;—but where resistance may be made, or from other circumstances such process may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

ARTICLE 71.—No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed *more than three years* previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried, at any time not exceeding *two years* after the impediment shall have ceased.

ARTICLE 72.—Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British Territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ARTICLE 73.—The Commander-in-Chief at the Presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being, may appoint General or other Courts Martial and confirm, and mitigate, or commute, or remit the Sentences of such Courts; and may issue his Warrant to any General or other Officer having the command of a body of troops in the service of Her Majesty, or of the East India Company, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of offences committed by any of the Officers, or Soldiers, or Followers in the service of the said Company, being Natives of the East Indies, or of other places within the limits of the said Company's Charter, and to confirm, and mitigate or commute, or remit the sentences of such Courts Martial.

ARTICLE 74.—A General Court Martial shall not consist of less than *thirteen* Commissioned Officers, unless it be held out of the East India Company's Territories, where such Court Martial may consist of *seven* Commissioned Officers, if a greater number cannot be conveniently assembled. And no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander-in-Chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

Powers of a General Court Martial.

ARTICLE 75.—A General Court Martial may sentence any Officer or Soldier to Death or Transportation, for any crimes which are by these Articles of War expressly made liable to sentence of Death or Transportation, and for such crimes only.

And when a Commissioned Officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such Officer to be Dismissed the Service;—or to

be suspended from Rank and Pay and Allowances, for a stated period;—or to be placed lower on the list of his rank, by an alteration of the date of his Commission, thereby losing the corresponding benefit of length of service; and the Court shall in every such sentence specify the extent or degree of Suspension or Reduction, which they shall so adjudge;—or the Court may sentence such Officer to be reprimanded in such manner as the Commander-in-Chief may direct.

And a General Court Martial may sentence any Non-Commissioned Officer to be reduced to the ranks;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed the service;—or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing,) or may sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes;* —or Imprisonment, with or without hard labor, not exceeding *two years;*—and to be kept in solitary confinement for any portion or portions of such Imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement. Provided that no Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his Commanding Officer.

And a General Court Martial may, in addition either to Corporal Punishment, or to Imprisonment, as aforesaid, sentence a Soldier to forfeiture of all advantage as to additional Pay and to Pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to Forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct.*

And a General Court Martial may, in addition to the punishment of Dismissal, sentence any Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct;—And, in addition to any punishment not involving Dismissal from the service, may sentence any Officer or Soldier to be put under Stoppages not exceeding two-thirds of his Pay and Allowances in the case of an Officer, and not exceeding half of his Pay and Allowances in the case of a Non-Commissioned Officer or Soldier, until the amount of such loss or damage be made good.

Confirmation and Commutation of Sentence by the Commander-in-Chief.

ARTICLE 76.—In cases wherein a Sentence of *Death* shall have been awarded by a General Court Martial, for any offence against disciplinefor which Sentence of Death is awardable under these Articles of War, the Commander-in-Chief may

confirm such Sentence, and cause it to be carried into effect, or may, instead of causing such Sentence to be carried into effect, order the offender, if an Officer, to be transported for life, or to be imprisoned for any term of years, or to be dismissed; and, if a Soldier, to be transported for life, or to be imprisoned, with or without Hard Labor, either for life, or for a certain term of years, and with or without solitary confinement, to be regulated as aforesaid, as to the Commander-in-Chief may seem meet.

In cases of Commissioned Officers sentenced to *Transportation*, the Commander-in-Chief may, in lieu thereof, order the offender to be imprisoned for any term of years, or to be dismissed. And in cases of Commissioned Officers sentenced to be *dismissed* from the service, the Commander-in-Chief may, in lieu of such Punishment, direct, that the offender be suspended from Rank and Pay and Allowances for a certain period, to be distinctly specified by the Commander-in-Chief.

And the Commander-in-Chief may commute a Sentence of *Transportation* passed on a Soldier, to Imprisonment with or without Hard Labor, and with or without Solitary Confinement (to be regulated as aforesaid); and such Imprisonment may be either for the same period for which Transportation shall have been awarded, or for any lesser period.

And the Commander in-Chief may commute a Sentence of *Corporal Punishment* to Dismissal from the service; or, in the case of a Non-Commissioned Officer, may mitigate such Sentence to Reduction to the ranks; or in the case of a Non-Commissioned Officer or Soldier may commute such Sentence to Imprisonment without Hard Labor, and with or without Solitary Confinement to be regulated as aforesaid, for any period not exceeding *two years*.

In cases of Non-Commissioned Officers sentenced to be *dismissed* from the service, the Commander-in-Chief may, in lieu of such punishment, direct that the offender be reduced to the ranks, or placed lower in the list of the rank which he holds; (which shall not involve any forfeiture of service or other advantage, except that of standing.)

And in cases of offenders sentenced to *Imprisonment with Hard Labor*, the Commander-in-Chief may mitigate such Sentence by causing the offender to be reduced to the ranks, in the case of a Non-Commissioned Officer; or in the case of a Non-Commissioned Officer or Soldier by directing that he be dismissed from the service: or suffer Imprisonment without Hard Labor, and with or without Solitary Confinement, (to be regulated as aforesaid,) for any period not exceeding that for which he shall have been Sentenced to such Imprisonment with Hard Labor.

ARTICLE 77.—A District, or Garrison Court Martial shall consist of not less than *seven* Commissioned Officers, except in situations where that number cannot be

conveniently assembled, when such Court may consist of not less than *Five* Commissioned Officers. And such District, or Garrison Court Martial may be composed of Officers of the same Regiment, and shall be assembled in conformity with the orders of the Commander-in-Chief.

And the Sentence of a District, or Garrison Court Martial shall be confirmed by the Commander-in-Chief, or by some Officer duly authorized to confirm the same.

Commutation of Sentence.

And the Commander-in-Chief is empowered to remit, or mitigate, or commute the Sentences of such Courts Martial, in the same manner as the Sentences of General Courts Martial; and to delegate to, or withhold from, Commanding Officers the power of convening such Courts Martial, and of confirming, remitting, mitigating, or commuting the Sentences of such Courts (*not including forfeiture of pay or pension or other advantage,*) as the Commander-in-Chief may deem to be most expedient.

And in case of any Sentence, including forfeiture of additional Pay or of Pension on Discharge, or of any prospective advantage, such Sentence shall not be carried into effect until confirmed by the Commander-in-Chief; and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court Martial.

* ARTICLE 78.—A District or Garrison Court Martial may Sentence any Non-Commissioned Officer to be reduced to the ranks, or may Sentence any Non-Commissioned Officer or Soldier to be dismissed from the Service; or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing;) or may Sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes*; or Imprisonment, with or without Hard Labor, not exceeding *one year*, and to be kept in Solitary Confinement (to be regulated as aforesaid.)

And such Court Martial may, in addition either to Corporal Punishment or to Imprisonment as aforesaid, Sentence a Soldier to forfeiture of all advantage as to additional Pay, and to pension on Discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct.*

And such Court Martial may, in addition to the Punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be

required, to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 79.—A Regimental Court Martial shall consist of not less than *Five* Commissioned Officers, (unless it be found impracticable to assemble that number when *Three* may be sufficient:) and shall be assembled by order of the Officer Commanding the Regiment. And no Sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Provided that such Commanding Officer shall have power to remit all Sentences whatever, passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

And such Commanding Officer shall have power to confirm and carry into effect or to mitigate all Sentences whatever passed by such Court; and to commute a Sentence of *Corporal Punishment* to Imprisonment without Hard Labor, and with or without Solitary Confinement, (to be regulated as aforesaid,) for any period for which such Court is competent to Sentence an offender to suffer Imprisonment and in the same manner; and to mitigate a Sentence of *Dismissal* in the case of a Non-Commissioned Officer, to Reduction to the Ranks;—and to commute a Sentence of *Imprisonment with Hard Labor*, to Dismissal; or to mitigate such Sentence to Reduction to the Ranks; or to Imprisonment without Hard Labor.

Powers of a Regimentnl Court Martial.

ARTICLE 80.—A Regimental Court Martial may Sentence any Non-Commissioned Officer to be reduced to the ranks;—or may sentence any Non-Commissioned Officer or Soldier, to be dismissed from the service;—or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing,)—or may Sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes*; or Imprisonment, with or without hard labor, for any period not exceeding *six calendar months*; and to be kept in solitary confinement (to be regulated as aforesaid.)

Any such Court Martial may, in addition to the punishment of Dismissal, sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding

half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 81.—An Officer Commanding any Detachment of his own Regiment may assemble Regimental Detachment Courts Martial;—and an Officer Commanding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial;—and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments, shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, and not being on the line of March or on board any ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest Superior Officer holding a command of not less than a Regiment;—(who is hereby authorized to confirm the same, in like manner, as an Officer Commanding a Regiment is empowered to do;)—except in detached situations beyond Sea or out of the British Territories, or when on Service in the field, or in cases were an *immediate example* is necessary, and reference cannot be made to such Commanding or superior Officer without detriment to the Service; when the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment.

ARTICLE 82.—At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty, and Imprisonment form a part of the Sentence, no portion of the Imprisonment should be Solitary;—or, should Corporal Punishment be awardable to the offender, that it shall not be awardable in the particular case; and the Court will govern itself accordingly; and such instruction shall be in writing and shall be attached to the proceedings of the Court.

Execution of Sentences of Courts Martial.

ARTICLE 83.—In every sentence of Death awarded by a General Court Martial, the Court shall specify that the offender shall "suffer death by being hanged by the neck until he be dead," or "by being shot to death," as the Court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 84.—Whenever the sentence of a General Court Martial shall adjudge Transportation, or Sentence of Death shall be commuted by competent authority to Transportation, any of the Sudder Courts shall give effect to such sentence, or commuted Sentence, on the same being certified to the Court under the authority of the Commander-in-Chief.

And whenever any Sentence of a Court Martial shall adjudge Imprisonment with Hard Labor, or with Solitary Confinement, or both, or whenever the Sentence of a Court Martial shall be commuted to any such Imprisonment, it shall be the duty of every Judge, Magistrate, Sheriff, or other Officer in charge of a Jail, to give effect to such Sentence, on the offender being delivered into his custody, and on being furnished with a copy of the Sentence by the Officer Commanding the Station or Regiment or Detachment, within which the trial is held.

ARTICLE 85.—Whenever any Soldier shall be sentenced to Imprisonment for life or a Sentence of Death shall be commuted to Imprisonment for life, it shall be lawful for the Commander-in-Chief to order such offender to be transported beyond Sea for life, and such order shall thereupon be made, unless there should be special reasons inducing the Commander-in-Chief to think such prisoner not a proper subject for Transportation.

ARTICLE 86.—Persons sentenced to Imprisonment by Courts Martial shall be imprisoned in any public prison, or in any other fit place which the Commander-in-Chief shall from time to time direct.

ARTICLE 87.—Every Soldier sentenced to Imprisonment with Hard Labor, shall, previous to undergoing such punishment, be struck off the strength of his Corps from the date of confirmation of such Sentence; and no Soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving Pension on discharge.

ARTICLE 88.—Offenders sentenced to dismissal for *disgraceful conduct;*

And offenders subject to Corporal Punishment, or to Imprisonment with Hard Labor for *disgraceful conduct,* shall, on any such Sentence being confirmed, be dismissed with Ignominy.

ARTICLE 89.—In every case wherein a fine, or forfeiture of arrears of pay, or stoppages shall be adjudged by a Court Martial, any pay or public money due to the offender, or that may become due to him, shall be available, with the sanction of the Commander-in-Chief, for the payment of the amount so adjudged.

And no Soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such Sentence for any period exceeding one year; and no

Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his Pay and Allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his Pay and Allowances.

Forms of Proceeding.

ARTICLE 90.—Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

ARTICLE 91.—At General Courts Martial a Judge Advocate, or an European Officer of not less than ten years' service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European Officer of not less than four years' standing in the service, except in cases where no Officer of that standing may be available, or the Adjutant of the Regiment, shall be appointed to conduct the proceedings.

ARTICLE 92.—An Interpreter shall be appointed to all Courts Martial; and any Interpreter, or other competent person available at the Station where the Court Martial may sit, shall be appointed as occasion may require by the Officer Commanding at such Station, on application from the Judge Advocate or Superintending Officer at such Court Martial. But in situations where the services of an Interpreter or other competent person are not available, the Superintending Officer at the Court Martial shall perform the duty of Interpreter.

ARTICLE 93.—At all Courts Martial the Senior Officer shall sit, as President, without being so appointed by Warrant. Provided, that all Subadar Majors are to take precedence according to the dates of their Commissions, and above all Native Officers holding the rank of Subadar or Jemadar; and that Sirdar Bahadoors and Bahadoors shall rank only according to their respective Commissions of Subadar Major, Subadar or Jemadar, Rissaldars and Rissaidars will take rank with Subadars, and Naib Rissaldars with Jemadars, according to the dates of their respective Commissions.

In case of the death or unavoidable absence of the President, the next Senior Member shall take the place of President, and the trial shall proceed, provided that the Court shall still consist of at least the number of Members of which such Court is directed to consist by these Articles of War.

ARTICLE 94.—No Finding or Sentence of a Court Martial shall be revised more than once, and no Evidence shall be received on such revision. For the purpose of such revision the President and all the Members shall be convened if possible. But if any of them should be unavoidably absent, the remaining Members may proceed

with such revision, provided they are not fewer than the smallest number directed in these Articles respectively. When all the same Members do not meet, the circumstances are to be duly certified on the face of the proceedings.

Manner of Voting.

ARTICLE 95.—All the Members of a Court Martial are to preserve order, and in giving their votes upon all matters are to begin with the youngest; and in all cases where a Sentence of Death may not be awarded, the decision shall be by the majority of Members present, provided the number of Members present be not less than that required by the preceding Article; but in case of an equality of votes, the decision shall be in favor of the prisoner; the President at a Court Martial shall vote with the other Members, but shall have no casting vote. Provided, that in cases of an equality of votes upon other questions than the Finding and the Sentence, the President shall have a casting vote.

ARTICLE 96.—No Sentence of Death shall be given against any offender by a Court Martial, unless two-thirds of the Members present concur therein, or four, where the Court consist of five Members, or five where the Court consist of seven.

Affirmations.

ARTICLE 97.—On the assembly of a Court Martial, the Judge Advocate or Superintending European Officer shall administer to the Interpreter the following Solemn Affirmation :—

" I, A. B., solemnly affirm, in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the Court, and that I will not divulge the Sentence until it shall have been published by authority; and further, that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or Court Martial, in due course of Law."

In case of the unavoidable absence of an Interpreter, the European Superintending Officer of a Court Martial inferior to General, shall make the Solemn Affirmation prescribed for the Interpreter.

The Judge Advocate or Superintending Officer shall then cause the following Solemn Affirmation to be made by each Member :—

"I, A. B., solemnly affirm, in the presence of Almighty God, that I will duly administer justice according to the Articles of War, without partiality, favour, or affection, and, if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of War in the like cases, and that I will not divulge the Sentence of the Court until it shall be published by authority; and fur-

ther, that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial in due course of Law."

The following Solemn Affirmation shall then be administered by the Interpreter to the Judge Advocate or Superintending Officer:—

"I, A. B., solemnly affirm, in the presence of Almighty God, that I will not upon any account whatsoever disclose or discover the vote or opinion of any particular Member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice, or a Court Martial in due course of Law, and that I will not, unless it be necessary for the due discharge of my official duties, disclose the Sentence of the Court, until it shall be published by authority."

Provided, that it shall be necessary to re-administer these Solemn Affirmations on the commencement of fresh trials before the same Court.

ARTICLE 98.— All persons who give evidence at a Court Martial are to be examined on Oath according to the forms of their respective religions, or on Affirmation —and persons of the Hindoo or Mahomedan persuasion, and other persons making Affirmation, shall make Affirmation to the following effect:—

"I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

And if any person making such Affirmation as aforesaid, shall wilfully and falsely state any matter or thing, which, if the same had been sworn, would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

ARTICLE 99.—In all cases where persons required as witnesses before a Court Martial may not be amenable to Military Law, the Judge Advocate or Commanding Officer shall transmit to the Magistrate within whose jurisdiction the witness may reside, his summons for the attendance of such person, and the Magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshals.

ARTICLE 100.—For the prompt and instant repression of all irregularities and crimes which may be committed by Troops in the Field and on the Line of March, Provost Marshals shall be appointed by the Commander-in-Chief, and their powers shall be regulated according to the established usages of war and rules of the service; their duties are to take charge of prisoners confined for offences of a gene-

nal description; to preserve good order and discipline; to prevent breaches of both, by Soldiers and Followers of the Army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing breaches of good order and Military discipline; Provided, that the punishment be limited to the necessity of the case, and shall accord with the orders which the Provost Marshals may from time to time receive from the Commander of the Forces in the Field, and that whatever may be the crime, the Provost Marshal or his Assistant shall see the offender commit the act for which summary punishment may be inflicted, or if the Provost Marshal or his Assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a Report shall be made to the Commander of the Army in the Field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good Order and Military Discipline. The duties of Provost Marshals being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the General Commanding the Forces in the Field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the discipline of the East India Company's Army and the Public Service.

Trials by European Courts Martial.

ARTICLE 101.—At any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European Officers; and should he make such claim, the Court, whether General, District, or Garrison, or Regimental, shall be composed of European Commissioned Officers, and the number of Members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor General of India in Council, by a General Order, to authorize the Native Troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV.

Effects of the Dead.

* ARTICLE 102.—When any Officer or Soldier, or any person receiving public pay drawn by any Officer in charge of a Public Department belonging to the Army, may die, or be killed in the service, the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, shall, if no Heir or Executor be present, secure his Effects, and direct an inventory thereof to be taken, a duplicate

of which is to be lodged in the office of the Adjutant, or Officer in charge of the Department.

* ARTICLE 103.—If there be no Heir or Executor on the spot, the Effects are to be publicly sold ; the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, after discharging the debts of the deceased, *viz.*, the expense of Funeral Ceremonies, his Debts in Camp or Quarters, and Regimental Debts of every description, shall account for the residue to the Heir or Heirs declared by Will, whether written or verbal, or nominated in the Regimental Register, or in failure of such, to the legal representative of the deceased ; and in the event of no Executor, Heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the Estate, is to be remitted to the General Treasury at the Presidency.

SECTION V.

Miscellaneous.

ARTICLE 104.—The Effects of Deserters are to be publicly sold, and the proceeds, after payment of Regimental Debts, remitted by the Officer Commanding the Corps to which the Deserter belongs, to the General Treasury at the Presidency, or appropriated according to the rules obtaining at such Presidency.

ARTICLE 105.—All powers and provisions contained in these Articles relating to the Commander-in-Chief, shall be construed to extend to the Commander-in-Chief at any Presidency, and to the Officer Commanding the Forces for the time being at any Presidency, unless when otherwise provided.

All powers and provisions contained in these Articles, relating to Soldiers, shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

ARTICLE 106.—When any portion of the Troops belonging to one Presidency shall be serving within the limits of another Presidency, such Troops shall be considered as placed, during such service, under the orders and authority of the Commander-in-Chief or Commanding Officer of the Forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency ; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency. Provided always, that it shall be lawful for the Governor General in Council in his executive capacity, to direct that the Troops, or any part thereof of

any Presidency, whilst serving without the limits of such Presidency, shall continue under the orders and authority of the Commander-in-Chief, or Commanding Officer of the Forces of the Presidency to which they belong for all purposes of these Articles.

ARTICLE 107.—Any Officer Commanding any portion of the East India Company's Troops which may at any time be serving in any place out of Her Majesty's Dominions, or of the possessions or territories which are or may be under the Government of the said Company, or of the territories of those States in alliance with the said Company, in which the said Company's Forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's Army, being under the immediate Command of any such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers, for the purpose of trying any such person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts Martial, and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by these Articles to General Courts Martial; Provided that no sentence of any such Court Martial shall be executed, until the General Commanding-in-Chief of the Army to which the Division, Brigade, Detachment, or Party to which any person so tried, convicted, and adjudged to suffer punishment, shall belong, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District, or Garrison Court Martial, in which case the Officer by whom the Court is convened is hereby authorized to confirm or commute, or mitigate, or remit the same; reporting the proceedings to the said General Commanding-in-Chief.

ARTICLE 108.—General Courts Martial only shall have the power to try Commissioned Officers; or to pass Sentence of Death or Transportation on any offenders.

ARTICLE 109.—No person, being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a Soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such Soldier before a Court Martial or a Court of Justice, and shall enquire into the *general* character of such Soldier; for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided, that no such evidence shall in any case be received until the Court shall have ascertained that such Soldier had, previously to his trial, received notice

of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all Soldiers previous to trial.

ARTICLE 110.—No Non-Commissioned Officer shall be reduced to the ranks but by the Sentence of a Court Martial, or by order of the Commander-in-Chief of the Presidency to which the offender shall belong. Provided, that no Non-Commissioned Officer shall be reduced to the ranks for any limited period; nor suspended from his rank; nor reduced from a higher to a lower grade of Non-Commissioned Officer; nor sentenced to suffer Corporal Punishment or Imprisonment, without being first reduced to the ranks.

* ARTICLE 111.—Any Officer or Soldier thinking himself wronged by his superior or other Officer is to complain thereof to the Commanding Officer of his Troop or Company, by whom, if the grievance be not redressed, such Officer, Non-Commissioned Officer, or Soldier, may complain to the Commanding Officer of his Regiment, who is hereby required to examine into such complaint, or remit it to his superior authority as the circumstances may require; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial in manner hereinbefore mentioned; provided that such offender shall not be liable to be sentenced to Dismissal, nor to suffer Corporal Punishment or Imprisonment with Hard Labor.

ARTICLE 112.—In case of light offences, a Commanding Officer may, without the intervention of a Court Martial, award extra drill, with or without pack, for a period not exceeding fifteen days; restriction to Barrack limits not exceeding fifteen days; confinement in the Quarter Guard or Defaulter's Room, not exceeding seven days; removal from Staff situations or acting appointments; or may order Soldiers to be employed in piling and unpiling shot; and in cleaning accoutrements of men in Hospital; but none of these descriptions of punishment shall be awardable by Sentence of a Court Martial. And a Commanding Officer may award solitary confinement not exceeding seven days.

Provided that Soldiers in confinement shall be liable to be ordered to attend ordinary drill.

ARTICLE 113.—Any Officer, or Soldier, who shall be taken prisoner by the Enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner, and until he shall again return to the service; when, if he can establish before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the Enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and allowances as the Government of the Presidency to which he may belong shall

determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander-in-Chief. And every Officer or Soldier in imprisonment under the sentence of a Court Martial, or a commuted sentence, or under the sentence of a Court of Criminal Judicature, shall, during the term of such imprisonment, receive subsistence only, to the amount of his pay proper, according to the rates of Pay granted to Officers and Soldiers of the Bengal Army.

SECTION VI.

Mode of dealing with offences not Military.

ARTICLE 114.—In all places within the Jurisdiction of any Civil Judicature, established by appointment of Her Majesty or of the said Company, Officers and Soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such Civil Judicature, shall be delivered over to a Magistrate to be proceeded against according to Law.

And all Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

Crimes to be tried by Courts Martial where no regular Criminal tribunals exist.

ARTICLE 115.—In any place within the limits of the Charter of the East India Company, whether in or out of the British Territories, where there may be no Civil Judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by Civil Tribunals, such offences, when committed by Officers or Soldiers, shall be cognizable by Courts Martial.

ARTICLE 116.—General Courts Martial shall have cognizance, ordinarily, of offences punishable with Death;

Transportation for Life;

Imprisonment for Life;

Imprisonment for a period which may extend to fourteen years;

Imprisonment for a period which may extend to seven years.

ARTICLE 117.—District, or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with Imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of Death or Transportation, with power to sentence persons convicted of such offences to Imprisonment for any period not exceeding three years.

ARTICLE 118.—Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with Imprisonment for a period not exceeding six calendar months, and by special order, of offences ordinarily cognizable by District, or Garrison Courts Martial, with power to sentence persons convicted of such offences to Imprisonment for a period not exceeding six calendar months.

General Courts Martial.

Punishment of Death.

ARTICLE 119.—Any Officer or Soldier who shall be convicted by a General Court Martial of the crime of "Murder," shall be sentenced to suffer Death, by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

ARTICLE 120.—Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other Corporal injury to any person, endangering the life of such person: That is to say,—

1st.—Breaking, or attempting to break, by day or night, into any Dwelling House, Tent, Boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal;

2nd.—Robbery or attempt to rob;

3rd.—Stealing or attempting to steal in a house, or from the person;

Shall be sentenced by such General Court Martial to Imprisonment, with or without Hard Labor, and Transportation for life.

Offences punishable by Imprisonment which may extend to fourteen years.

ARTICLE 121.—Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with

wounding or other Corporal injury to any person, not endangering the life of such person ;—or

ARTICLE 122.—Of wounding or administering poison with intent to murder whether the person wounded or to whom poison is administered, be the person whom the offender intended to murder or another ;—or

ARTICLE 123.—Of Robbery by open violence, or Dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang, with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house, or place of habitation, or any place in which property may be kept, for the purpose of robbery ;—or

ARTICLE 124.—Of breaking, or attempting to break, into any Dwelling House, Tent, Boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal ;—or

ARTICLE 125.—Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed One Hundred Company's Rupees ;—or

ARTICLE 126.—Of purchasing or receiving plundered or stolen property, knowing it to have been obtained by robbery, by open violence, or by theft or robbery aggravated as described in Article 120 or Article 121 ;

Shall be sentenced by such General Court Martial to Imprisonment, with or without Hard Labor, for a period not exceeding fourteen years.

Offences punishable by Imprisonment not exceeding seven years.

ARTICLE 127.—Any Officer or Soldier who shall be convicted by a General Court Martial of culpable Homicide not amounting to wilful murder ;—or

ARTICLE 128.—Of premeditated affray, attended with Homicide or severe wounding, or other aggravating circumstance ;—or

ARTICLE 129.—Of intentionally wounding, maiming, or otherwise doing Corporal injury to any person ;—or

ARTICLE 130.—Of accidentally wounding, maiming, or otherwise doing Corporal injury to any person with the intention of doing such injury to another person ;—or

ARTICLE 131.—Of breaking into any Dwelling House, Tent, Boat, or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein ;—or

ARTICLE 132.—Of stealing from any habitation, or from any person, any property exceeding Three Hundred Company's Rupees, in value ;——or

ARTICLE 133.—Of having purchased any property so stolen, exceeding in value Three Hundred Company's Rupees, knowing it to have been stolen ;—or

ARTICLE 134.—Of Arson ;—or

ARTICLE 135.—Of an unnatural crime ;—or

ARTICLE 136.—Of Rape ;—or

ARTICLE 137.—Of enticing and taking away, or of causing to be enticed or taken away for an unlawful purpose, any unmarried woman under the age of fifteen years ;—or

ARTICLE 138.—Of stealing a child under the age of eight years ;—or

ARTICLE 139.—Of counterfeiting, or causing or procuring the fraudulent fabrication or alteration of any written deed, or printed paper, of any description ; or any counterfeit seal or signature thereto ; or the illicit imitation of any public stamp or stamped paper, established by Government ; or of fraudulently issuing and publishing as true, or of fraudulently giving effect, or attempting to give effect, to fabricated deeds and papers, knowing them to be forgeries ; or of using, selling, or disposing of such stamped paper, knowing the same to be counterfeit ;—or

ARTICLE 140.—Of forging, or procuring to be forged, any counterfeit Coin, in imitation of any of the Gold, Silver, or Copper Coin of the British Government in India ; or of any Coin usually received as money in the British Territories ; or of clipping, filing, drilling, or defacing any such Coin ; or of paying or tendering in payment counterfeit Coin, Bank Notes or other Securities for money, knowing the same to be counterfeit, although such Notes or Securities shall be incomplete ;

Shall be sentenced by such General Court Martial to suffer Imprisonment, with or without Hard Labor, for any period not exceeding seven years.

District or Garrison Courts Martial.

Offences punishable by Imprisonment not exceeding three years.

ARTICLE 141.—It shall be competent to the Commander-in-Chief, and to any Officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of Death, or Imprisonment, or Transportation for Life, is not provided therein, to be tried for such offences before a District, or Garrison Court Martial, and such Court shall have power, on con-

viction, to sentence any such offender to Imprisonment, with or without Hard Labor for any period not exceeding three years.

ARTICLE 142.—Any Officer or Soldier who shall be convicted by a General, District, or Garrison Court Martial, of Stealing from any habitation, or from the person, any property, of value not exceeding Three Hundred Company's Rupees, but exceeding Fifty Company's Rupees;—or

ARTICLE 143.—Of having purchased or received any stolen property, of value not exceeding Three Hundred Company's Rupees, knowing it to have been stolen, but not under aggravating circumstances;—or

ARTICLE 144.—Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen;

Shall be sentenced by such Court to suffer Imprisonment, with or without Hard Labor, for any period not exceeding three years.

Regimental, Detachment, or Line Courts Martial.

Offences punishable by Imprisonment not exceeding six months.

ARTICLE. 145.—It shall be competent to any Officer having authority to convene a Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding Imprisonment with Hard Labor for three years is therein provided, to be tried bfeore Regimental, or Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer Imprisonment, with or without Hard Labor, for any period not exceeding six calendar months.

Offences punishable by Imprisonment from six months to one year, according to the description of the Court.

ARTICLE 146.—Any Officer or Soldier who shall be convicted of stealing property to the value of Fifty Company's Rupees, or of less value;—or

ARTICLE 147.—Of Assault or Affray, unattended with Homicide, severe wounding, or aggravating circumstances:

Shall be sentenced to suffer imprisonment, with or without Hard Labor, for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial; or, for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

Offences punishable by Imprisonment from six months to two years, according to the description of the Court.

ARTICLE 148.—Any Officer or Soldier who shall be convicted of resisting the process of a Magistrate or Police Officer:—or

ARTICLE 149.—Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War;

Shall be sentenced to suffer Imprisonment for any period not exceeding two years, by the award of a General Court Martial; not exceeding one year, by the award of a District, or Garrison Court Martial; and not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

ARTICLE 150.—Any Officer or Soldier, who shall be convicted by a General, or District, or Garrison, or Regimental Court Martial, of having been present, aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such Court to the punishment therein provided for such offence, and awardable by General, or District, or Garrison, or Regimental Courts Martial, respectively.

ARTICLE 151.—No Sentence of Death shall be carried into effect until confirmed by the Commander-in-Chief, nor, if the trial shall have been held within the British Territories forming part of either of the Presidencies of Fort William, Fort St. George, and Bombay, respectively, until such confirmation shall have been concurred in by the Government of the Presidency where such trial shall have been held.

ARTICLE 152.—The Commander-in-Chief is authorized at his discretion to confirm any Sentence of Death, or to remit such Sentence, or to commute it into Imprisonment with Hard Labor and Transportation for life, or into Imprisonment with Hard Labor for any term of years.

ARTICLE 153.—No Sentence of Transportation shall be carried into effect until confirmed by the Commander-in-Chief, and the Commander-in-Chief is authorized at his discretion to confirm any such Sentence, or to commute it into Imprisonment, with or without Hard Labor, for any period of time.

ARTICLE 154.—It shall be competent to any Officer having authority to confirm the Sentence of a General or other Court Martial to remit any Sentence passed by such Court Martial, or to mitigate such Sentence by substituting simple Imprisonment for Imprisonment with Hard Labor, or by reducing the period of Imprisonment, or by directing the discharge of the offender in lieu of any Imprisonment.

ARTICLE 155.—A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same in any other Court whatsoever, and no person who shall have been acquitted or con-

victed of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by Cashiering or Dismissal from the service.

ARTICLE 156.—The Regulations at present in force at any Presidency, by which the office and powers of Commissariat Officers, or Officers in charge of the Police, or Superintendents of Bazars, are defined and controlled; or by which Punchayets are constituted and guided; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

SECTION VII.

Application of the Articles.

ARTICLE 157.—All Officers and Soldiers, all Drivers, Farriers, Trumpeters, and Drummers; all unattested Recruits; all Hospital Attendants, Sub-Assistant Surgeons, Native Doctors, and Dressers; all Artificers and Labourers, Sutlers, Followers, public and private, or others attached to or serving with any part of the Army, are to be governed by these Articles, and subject to trial by Courts Martial.

Provided, that persons of European descent, (whether on the side of their father or mother) professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article, (and not being Her Majesty's natural born subjects born in Europe, or the children of such subjects,) shall be tried and punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better Government of the European Officers and Soldiers in the service of the East India Company.

Promulgation of the Articles.

ARTICLE 158.—These Articles are to be translated into the several languages of the different Presidencies, and the parts following, *viz.*, the second Section, together with the following Articles in other Sections which are marked with an* (Asterisk), *viz.*, 2, 4, 75, 78, 80, 102, 103, 110, and 111, are to be read once every three months at the head of every Regiment, Troop, or Company mustered in the service and to every Recruit at the period of his attestation.

ACT No. XX. OF 1847.

Passed on the 18th December 1847.

IV. And it is enacted, that if any person shall wilfully make, or cause to be made, any false entry in the Registry Book aforesaid, or shall wilfully produce, or cause

to be tendered in evidence, any paper falsely purporting to be a copy of any entry in the said Book, he shall be guilty of a misdemeanour, and shall be punished with imprisonment, with or without hard labor, for a term not exceeding three years.

ACT No. XXII. OF 1847.

Passed on the 18th December 1847.

To enable the Commissioners who may be appointed under Act XVI. of 1847 to purchase and hold real or personal property for the Improvement of the Town of Calcutta.

Whereas by Act XVI. of 1847, entitled "*An Act for constituting Commissioners for the Improvement of the Town of Calcutta partly by appointment of the Government and partly by election of the Rate-payers*," provision was made for the appointment and election of such Commissioners, or, in default of election, for the appointment of the whole of such Commissioners:

And whereas it is expedient, that provision should be made to enable such Commissioners to purchase and hold real or personal property for the purposes aforesaid, in manner hereinafter mentioned:

And whereas it is probable that benevolent and public spirited individuals, with the view of contributing to the improvement and adornment of the said Town, may be desirous of settling real or personal property, by Deed or Will, upon such Commissioners:

I. It is therefore enacted, that the said Commissioners shall be Trustees for and on behalf of the Government of Fort William in Bengal and of the inhabitants of Calcutta, and shall sue and be sued at Law and in Equity in Her Majesty's Supreme Court of Judicature at Fort William, by the name of the Commissioners for the Improvement of the Town of Calcutta, and shall have a common seal, and shall have power to take, purchase, and hold lands, tenements, hereditaments, goods, chattels, and other property, as such Trustees for the purposes aforesaid.

II. And it is enacted, that, whenever it shall appear to the said Commissioners, or a majority of them, that it is necessary they should purchase any houses, buildings, or grounds, for the purposes aforesaid, the said Commissioners shall represent the same to the Governor of Bengal, and if he shall consent thereto, but not otherwise, shall enter into treaties for the purchase of such houses, buildings, or grounds with the owners thereof, and in case they shall not be able to come to agreement with such owners, or the amount of compensation shall not be settled by arbitration as hereinafter provided, then the said Commissioners shall apply to the Sheriff of Calcutta to summon a Jury, and the said Sheriff shall forthwith summon a Jury in manner hereinafter mentioned, to assess the price which the said Commissioners shall

pay to the said owner or owners for the purchase of such houses, buildings, and grounds with all appurtenances as aforesaid.

III. And whereas it is expedient to make provision for those cases in which the said Commissioners may be able to purchase lands, buildings, or tenements by agreement: it is enacted, that it shall and may be lawful for the said Commissioners to agree with the owners of any lands, buildings, or tenements by this Act authorized to be taken and which shall be required for the purposes of this Act, and with all parties having any estate or interest in such lands, buildings, or tenements, or by this Act or by any other authority or power enabled to sell and convey the same, for the absolute purchase of any such lands, buildings or tenements, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kind soever.

IV. And it is enacted, that it shall and may be lawful for all parties being seized, possessed of, or entitled to any such lands, buildings, or tenements, or any estate or interest therein, to sell and convey or release the same to the said Commissioners, and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seized, possessed, or entitled as aforesaid, so to sell, convey, or release (that is to say) all corporations, tenants in tail, or for life, married women seized in their own right, or entitled to dower, guardians, committees of lunatics and idiots, trustees or feofees in trust for charitable or other purposes, executors, and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession, or subject to any estate in dower, or to any lease for life or for lives, or for years, or any less interest, and the power so to sell and convey or release as aforesaid, may lawfully be exercised by all such parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators and Successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy, after them, or in defeasance of the estates of such parties, and as to such married women whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committee on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics, and idiots respectively could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such Trustees, Executors and Administrators on behalf of their cestui-quetrusts whether infants, issue unborn, lunatics, femes covert, or other persons, and that to the same extent as such cestui-quetrusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability.

V. And it is enacted, that the purchase money, consideration or compensation to be paid or given for any lands, buildings or tenements to be purchased or taken from any party under any disability or incapacity, and not having any power to sell or convey such lands, except under the provisions of this Act, and the compensation to be paid for any permanent damage or injury to any such lands, buildings or tenements, shall in all cases be determined by the verdict of a jury, to be summoned as hereinafter provided.

VI. And it is enacted, that it shall be lawful for any person seized in fee or entitled absolutely for his own benefit to any lands, buildings, or tenements authorized to be purchased for the purposes of this Act, to sell and convey such lands, buildings, or tenements, or any part thereof, unto the said Commissioners, in consideration of an annual rent-charge payable by the said Commissioners, but except as aforesaid the consideration to be paid for the purchase of any such lands, buildings, or tenements, or for any damage done thereto, shall be in a gross sum.

VII. And it is enacted, that the yearly rent reserved by any conveyance of lands, buildings, or tenements purchased by the said Commissioners for the purposes of this Act shall be charged on the rates hereinafter authorized to be raised and levied, and shall be paid by the said Commissioners as such rents become payable, and if at any time any such rents be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such rent shall be payable, may recover the same from the said Commissioners, with costs of suit, by action of debt in the said Supreme Court.

VIII. And it is enacted, that when the said Commissioners shall require to purchase or take any of the lands, buildings, or tenements which by this Act they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or the parties enabled by this Act to sell and convey or release the same, or such of the said parties as shall, after diligent inquiry, be known to the said Commissioners, and by such notice shall demand from such parties the particulars of their estate and interest in such lands, and of the claims made by them in respect thereof, and every such notice shall state the particulars of the lands so required, and that the said Commissioners are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

IX. And it is enacted, that all notices required to be served by the said Commissioners upon the parties interested in or entitled to sell any such lands, buildings, or tenements, shall either be served personally on such parties, or left at their last usual place of abode, if any such can, after diligent inquiry, be found, and in case any such parties shall be absent from the said Town, or cannot be found, after dili-

gent inquiry, such notices shall be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

X. And it is enacted, that if the party claiming compensation desire to have the same settled by arbitration, and signify such desire, by notice in writing to the said Commissioners, before they have issued their warrant to the Sheriff to summon a jury in respect of such lands, under the provisions hereinafter contained, stating in such notice the nature of the interest in respect of which such party claims compensation, and the amount of the compensation so claimed, the same shall be so settled by arbitration accordingly, but unless the party claiming compensation shall, as aforesaid, signify his desire to have the question of such compensation settled by arbitration, or if, when the matter shall have been referred to arbitration, the arbitrators or the umpire shall for three months have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury, as hereinafter provided.

XI. And it is enacted, that when any question of disputed compensation by this Act authorized or required to be settled by arbitration, shall have arisen, then unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator, to which two arbitrators in such dispute shall be referred, and every appointment of an arbitrator shall be made on the part of the said Commissioners under the hands of two of the said Commissioners, or of their Clerk, duly authorized by such two Commissioners, and on the part of any other party, under the hand of such party, or if such party be a corporation aggregate, under the common seal of such corporation, and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made, and after any such appointment shall have been made neither party shall have power to revoke the same, without the consent of the other, nor shall the death of either party operate as a revocation, and if after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matter so required to be referred to arbitration, shall hsve been served by the one party on the other party to appoint an arbitrator, such last mentioned party fail, within fourteen days after such service, to appoint such arbitrator, then, upon such failure, the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

XII. And it is enacted, that if before the matters so referred shall be determined, any arbitrator appointed by either party shall die or become incapable to act,

the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he shall fail to do so, the remaining or other arbitrator may proceed to hear and determine the matters which shall be in dispute, and every arbitrator who shall be so substituted as aforesaid shall have the same power and authorities as were vested in the former arbitrator at the time of such his death or disability aforesaid.

XIII. And it is enacted, that where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an umpire, to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this Act, and if such umpire shall die or become incapable to act, they shall forthwith after such death or incapacity, appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

XIV. And it is enacted, that if in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration, neglect to appoint an umpire, any two of the Magistrates of Calcutta shall, on the application of either party to such arbitration, appoint an umpire, and the decision of such umpire on the matters on which the arbitrators shall differ or which shall be referred to him under this Act shall be final.

XV. And it is enacted, that when a single arbitrator shall have been appointed as hereinbefore provided, and such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitrators under the provisions of this Act in the same manner as if such arbitrators had not been appointed.

XVI. And it is enacted, that if, where more than one arbitrator shall have been appointed, either of the arbitrators refuse, or for seven days after the day of his appointment shall neglect to act, the other arbitrator may proceed to hear and determine the matters in dispute, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

XVII. And it is enacted, that if, where more than one arbitrator shall have been appointed and where neither of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time, (if any) as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

XVIII. And it is enacted, that the said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath or solemn affirmation, and administer the oath and solemn affirmation necessary for that purpose.

XIX. And it is enacted, that before any such arbitrator or umpire as aforesaid shall enter into the consideration of any matters referred to him, he shall, in the presence of a Magistrate of Calcutta, make and subscribe the following declaration, that is to say—

I, A. B., do solemnly and sincerely declare, that I will faithfully and honestly, to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Act XXII. of 1847. A. B.

Made and subscribed
in the presence of C. D.

And such declaration shall be annexed to the award when made; and if any arbitrator or umpire, having made such declaration, shall wilfully act contrary thereto, he shall be deemed guilty of a misdemeanour.

XX. And it is enacted, that all the costs of any such arbitration and incident thereto, shall be settled by the said arbitrators, and shall be borne by the said Commissioners, unless the arbitrators shall award the same, or a less sum than shall have been offered by the said Commissioners, in which case each party shall bear their own costs incident to the said arbitration, and the costs of the said arbitrators shall be borne by the parties in equal proportions.

XXI. And it is enacted, that the said arbitrators, or the said umpire, as the case may be, shall deliver their award in writing to the said Commissioners, and the said Commissioners shall retain the same, and on demand made at the office of their Clerk shall forthwith, at their own expense, furnish a copy thereof to the other party to the arbitration, and shall at all reasonable times when thereunto required, produce the said award and allow the same to be inspected or examined at the office of their said Clerk by such party or any person appointed by him for that purpose.

XXII. And it is enacted, that the submission to any such arbitration as aforesaid may be made a rule of the Supreme Court on the application of either or any party thereto, and may be enforced against all necessary parties by any rule, order, or decree of the said Court, notwithstanding that any or either of the said parties are not otherwise subject to the jurisdiction of the said Court.

XXIII. And it is enacted, that no award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

XXIV. And it is enacted, that in every case in which a dispute or difference shall arise between the said Commissioners, and any person or persons whose property they may intend or desire to purchase for the purposes of this Act, as to the amount of compensation to be paid for the said property, which difference and dispute either of the said parties shall refuse to settle by arbitration, the said Commissioners shall issue a warrant in writing, signed by any one of them and sealed with their common seal, to the Sheriff of Calcutta, requiring him to summon a jury for the purpose of settling the said difference or dispute; and if such Sheriff be interested in the matter in dispute, such warrant shall be addressed and sent to the Coroner of Calcutta, and if the said Sheriff and the said Coroner be both of them interested in the said matter, then the said warrant shall be addressed and sent to the last person who shall have filled the office of Sheriff of Calcutta who is not interested in the said matter, and who is at time of the issuing the said warrant an inhabitant of the said Town of Calcutta, and every such Sheriff, Coroner, or Ex-Sheriff shall have power if he think fit to appoint a Deputy or Assessor.

XXV. And it is enacted, that throughout the enactments contained in this Act relative to a reference to a jury, where the term Sheriff is used, the provisions applicable thereto shall be held to apply to every Coroner or other person lawfully acting in the place of the Sheriff, and in every case in which any such warrant as aforesaid shall have been directed to any other person than the said Sheriff of Calcutta, such Sheriff shall, immediately on receiving notice of the delivery of the warrant, on application being made to him for that purpose, deliver over to the person to whom the said warrant shall have been directed, or to any other fit and proper person appointed by him to receive the same, the Jurors book and Special Jurors list for the Town of Calcutta.

XXVI. And it is enacted, that upon the receipt of such warrant as aforesaid, the Sheriff shall summon a jury of ten indifferent persons, duly qualified to act as common jurymen in Her Majesty's Supreme Court of Judicature aforesaid, to meet at a convenient time and place to be appointed by him for that purpose, such time not being less than fourteen nor more than twenty-one days after the receipt of such warrant, and such place not being more than two miles from the lands, buildings, or tenements concerning and relating to which the said difference or dispute shall have arisen, unless by consent of the parties interested some other time and place be agreed upon and settled, and the said Sheriff shall forthwith give notice to the said Commissioners of the time and place so appointed by him.

XXVII. And it is enacted, that, out of and from the number of jurors appearing upon such summons as aforesaid, a Jury of five persons shall be drawn by the said Sheriff in such number and form as Juries for trials of offences before the said Supreme Court are by rules and orders of the said Court required to be drawn, and if a suffi-

cient number of the Jurymen so summoned as aforesaid do not appear, in obedience to such summons as aforesaid, the Sheriff shall return other indifferent men duly qualified as aforesaid of the bye-standers or others that can speedily be procured, to make up the Jury to the said number of five persons, and the said Commissioners and all other parties interested in the said lands, buildings, or tenements may have and make their challenges against any of the said Jurymen according to the course and practice of the said Supreme Court, but neither the said Commissioners nor any of the said parties interested as aforesaid shall challenge the array.

XXVIII. And it is enacted, that in every such inquiry as aforesaid the said Sheriff shall preside, and the party or parties claiming compensation from the said Commissioners shall be deemed the plaintiff or plaintiffs as the case may be, and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law in the Court of Queen's Bench at Westminster, and if the Commissioners or any persons interested in the said lands, buildings, or tenements so request in writing, the said Sheriff shall summon before him, any person who shall by the said Commissioners, or any person interested as aforesaid, be considered necessary to be examined as a witness touching the matters in question, and on the like request the said Sheriff shall order the said Jury to view the place or matter in controversy in like manner as views may be had in the trial of actions at law in the Court of Queen's Bench at Westminster.

XXIX. And it is enacted, that if the said Sheriff make default in any matter hereinbefore required to be done by him, in relation to any such trial or inquiry as aforesaid, he shall forfeit and pay the sum of Five Hundred Rupees for every such offence, and such penalty shall be recoverable by the said Commissioners by an action of debt or on the case in the said Supreme Court, and if any person summoned or returned upon any jury under this Act, whether common or special, do not appear, or, if appearing, do refuse to make such lawful oath or affirmation as the said Sheriff may require, or in any other manner wilfully neglect his duty, he shall, unless he show reasonable excuse for the said default or neglect, to the satisfaction of the said Sheriff, forfeit a sum not exceeding One Hundred Rupees, and every such penalty as aforesaid, payable by a Sheriff or juryman as aforesaid, shall be applied in satisfaction of the costs of the said inquiry, so far as the same will extend, and in addition to the penalty hereby imposed as aforesaid every such Juryman shall in all respects be subject to the same regulations, pains, and penalties as if such Jury were returned for a trial in the said Supreme Court.

XXX. And it is enacted, that if any person who shall have been duly summoned to give evidence upon any such enquiry, and to whom a tender of his reasonable expenses shall have been made, fail to appear at the time and place specified in the summons, without sufficient cause, or if any person, whether summoned or not,

who shall appear as a witness on any such inquiry refuse to be examined on oath or affirmation touching the subject matter in dispute, every person so offending shall forfeit and pay to the party aggrieved thereby a sum not exceeding One Hundred Rupees and that any person examined on oath or affirmation touching the subject matter in dispute, who shall wilfully and falsely state any matter which if wilfully and falsely stated by such person in any Court of Justice in which such subject matter might be in dispute would amount to wilful and corrupt perjury, shall be guilty of wilful and corrupt perjury.

XXXI. And it is enacted, that the said Commissioners shall give to all parties interested in any lands, buildings, or tenements, concerning or relating to which an inquiry hath been appointed to be held by the said Sheriff notice of the time and place of such inquiry, not less than ten days before the same is to be held, and the said notice shall be in writing, and shall be served on each of the said parties personally, or left at his last known place of abode, in the said Town, or if he have no such place of abode, then the said notice of every such person shall be twice publicly advertised in one or more of the Newspapers, published within the said Town.

XXXII. And it is enacted, that if at any such inquiry, any party claiming compensation, shall fail to appear in person or by his Counsel or Agent, such inquiry shall not be proceeded with so far as concerns the compensation claimed by such absent party, but the compensation to be paid by the said Commissioners to such absent party shall be settled and determined by a Surveyor to be named and appointed by any two of the Magistrates of Calcutta, without prejudice to such inquiry then and there proceeding before such Sheriff, so far as concerns any compensation claimed by any other party or parties interested in such compensation, in respect of the same premises who shall so appear.

XXXIII. And it is enacted, that before any Jury shall proceed on any such inquiry, as aforesaid, to inquire of and assess compensation or damages in respect of which their verdict is to be given, they shall make oath, or if they object to make oath they shall make a solemn affirmation that they will truly and faithfully enquire of and assess such compensation or damages, and the said Sheriff shall administer such oaths and affirmations as well as the oaths and affirmations of all persons called upon to give evidence.

XXXIV. And it is enacted, that where such inquiry as aforesaid shall relate to the value of any lands, buildings, or tenements to be purchased, and also to compensation claimed for injury done or to be done to any other lands, buildings, or tenements held therewith, the jury shall deliver their verdict separately for the sum of money to be paid for the purchase of the lands, buildings, or tenements required by the said Commissioners, or of any interest therein belonging to the party or parties

with whom the question of disputed compensation shall have arisen, or which under the provisions herein contained he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage, if any, sustained or to be sustained by the said party or parties by reason of the severing of the lands, buildings, or tenements taken from the other lands, buildings, or tenements of the said party or parties, or otherwise injuriously affecting such last mentioned lands, buildings, or tenements by the exercise of the powers conferred by this Act.

XXXV. And it is enacted, that the Sheriff before whom such inquiry as aforesaid shall be held, shall give judgment for the purchase money or compensation assessed by such Jury as aforesaid, and the verdict and judgment shall thereupon be signed by such Sheriff, and being so signed, shall be delivered to and kept by the Keeper of the Records in the said Supreme Court among the Records of the said Supreme Court, and such verdicts and judgments shall be deemed Records and the same or true copies or exemplifications thereof shall be good evidence in all Courts and elsewhere, and all persons may inspect the said verdicts and judgments, and may have copies or exemplifications thereof, or extracts therefrom, on paying for each inspection of any such verdict and judgment the sum of Eight Annas, and for every one hundred words copied or extracted therefrom Four Annas, which copies, exemplifications, or extracts the said Keeper of the Records is hereby required to make out and sign and certify the same to be true.

XXXVI. And it is enacted, that on every such inquiry before a Jury as aforesaid, where the verdict of the Jury shall be given for a greater sum than the sum previously offered by the said Commissioners, all the costs of such inquiry shall be borne by the said Commissioners, but if the verdict of the Jury shall be for the same or a less sum than the sum previously offered by the said Commissioners one-half of the costs of summoning, impanelling, and returning the Jury, and of taking the inquiry and recording the verdict and judgment thereon, shall be defrayed by the parties claiming the said compensation or purchase money, and the other half by the said Commissioners, and each party shall bear his own costs other than as aforesaid incident to such inquiry.

XXXVII. And it is enacted, that the costs of any such inquiry as aforesaid shall, in case of differences arising regarding the same, be settled by the Taxing Officer of the said Supreme Court on the application of either party and such costs shall include all reasonable costs, charges and expenses incurred in summoning, returning, and impanelling the Jury, taking the inquiry, the attendeuce of witnesses, the employment of Counsel and Attornies, the recording the verdict and judgment thereon, and otherwise incident to such inquiry.

XXXVIII. And it is enacted, that if any such costs shall be payable by the said Commissioners, and if within seven days after demand duly made at the Office of the Clerk of the said Commissioners such costs be not paid to the party entitled to receive the same, they may and shall be recoverable by distress, and on application to any Magistrate of Calcutta he shall issue his warrant accordingly: and if any such costs shall be payable by the owner of any lands, buildings, or tenements, or of any interest therein, the same may be deducted and retained by the said Commissioners out of any money awarded by the jury to such owner or determined by the valuation of a Surveyor under the provision hereinafter contained, and the payment or deposit of the remainder, if any, of such money shall be deemed payment and satisfaction of the whole thereof, or if such costs shall exceed the amount of the money so awarded or determined, the excess may and shall be recoverable by distress, and on application to any Magistrate of Calcutta he shall issue his warrant accordingly.

XXXIX. And it is enacted, that if either party in such case of disputed compensation as aforesaid desire such question to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if given by the other party, be given to the said Commissioners before they have issued their warrant as aforesaid to the Sheriff, and for that purpose the said Commissioners shall by their warrant to the Sheriff require him to nominate a special Jury of five Jurors for such trial, and thereupon the Sheriff shall, as soon as conveniently may be after the receipt by him of such warrant, summon the said Commissioners and the said other party to appear before him, by themselves or their Attornies, at some convenient time and place to be appointed by him for the purpose of nominating a special Jury (not being less than five nor more than eight days from the service of such summons) and at the time and place so appointed the said Sheriff shall proceed to nominate and strike a special Jury, in the manner in which such Juries shall be required by the Rules and Orders of the said Supreme Court for trials in the said Court, except as far as such Rules may be inconsistent with the number of which the juries under this Act are to consist; and the said Sheriff shall appoint a day, not later than the eighth day after the striking of such Jury, for the parties or their agents to appear before him to reduce the number of such Jury, and thereof shall give four days' notice to the said Commissioners and the said other party, and on the day so appointed the Sheriff shall proceed to reduce the said special Jury to the number of eight in the manner used and accustomed in the said Supreme Court.

XL. And it is enacted, that the special Jury on such inquiry as last aforesaid shall consist of five of the said eight, who shall first appear on the names being called over, the said Commissioners and the said other party having respectively their lawful challenges against any of the said Jurymen, and if a full Jury of five do not appear, and if after such challenges a full Jury of five do not remain, then, upon the application of

the said Commissioner or of the said other party, the Sheriff shall add to the list of such Jury the names of any other disinterested persons qualified to act as special or common Jurymen in the said Supreme Court, who shall not have been previously struck off the aforesaid list, and who may be then in attendance before the said Sheriff, or can speedily be procured, so as to complete such special Jury, the said Commissioners and the said other party having respectively their lawful challenges against such persons, and the Sheriff shall proceed to the trial and adjudication of the matters in question by such Jury, and such trial shall be attended in all respects with the like incidents and consequences, and the like penalties shall be applicable as hereinbefore provided in the case of a trial by a common Jury.

XLI. And it is enacted, that any other inquiry than that for the trial of which such special Jury may have been struck and reduced as aforesaid, may be tried by such Jury, provided the said Commissioners and all the other parties interested therein respectively shall give their consent to such trial.

XLII. And it is enacted, that where the purchase money, or compensation to be paid by the said Commissioners for any lands, buildings, or tenements to be purchased or used by the said Commissioners, shall be payable to any person, who, by reason of absence from the Presidency of Bengal, is prevented from treating, or who cannot after diligent inquiry be found, or who shall not appear at the time appointed for the inquiry before the Jury as hereinafter provided, after due notice thereof given to him, such purchase money, or such compensation to be paid for any permanent injury to such lands, buildings, or tenements shall be such as shall be determined by the valuation of such able practical Surveyor as two of the Magistrates of Calcutta aforesaid shall nominate for that purpose, as hereinafter provided.

XLIII. And it is enacted, that, upon application of the said Commissioners, [to] two of the Magistrates of Calcutta aforesaid, and upon such proof as shall be satisfactory to them that any such party is, by reason of absence, prevented from treating, or cannot after diligent inquiry be found, or that such party failed to appear on such inquiry before a Jury as aforesaid, after due notice given to him for that purpose, such Magistrates shall, by writing under their hands, nominate an able practical Surveyor, approved by the said Commissioners, to determine the amount of such purchase money or compensation as aforesaid, and such Surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing signed by him, of the correctness thereof.

XLIV. And it is enacted, that before any such Surveyor shall enter upon the duty of making such valuation as aforesaid, he shall, in the presence of such Magistrates, or one of them, make and subscribe the declaration following, at the foot of such nomination by the said Magistrates as aforesaid, that is to say—

I, A. B., do solemnly and sincerely declare, that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me.

A. B.

Made and subscribed
in the presence of

C. D.

And if any such Surveyor shall corruptly make such declaration, or having made such declaration, shall wilfully act contrary thereto, he shall be deemed guilty of a misdemeanour.

XLV. And it is enacted that the said nomination and declaration shall be annexed to the valuation to be made by such Surveyor and shall be preserved together therewith by the Clerk to the said Commissioners, and he shall at all reasonable times produce at his office the said valuation and other documents, on demand, to the owner of lands, buildings or tenements comprised in such valuation, and to all other parties interested therein.

XLVI. And it is enacted, that in estimating the purchase money or compensation to be paid by the said Commissioners in any of the cases aforesaid, regard shall be had to the Magistrates, Arbitrators, or Surveyors, as the case may be, not only to the value of the lands, buildings, or tenements to be purchased by the said Commissioners, but also to the damage if any to be sustained by the owners of the lands, buildings or tenements by reason of the severing of the said lands, buildings or tenements taken from other lands, buildings, or tenements of such owner, or otherwise injuriously affecting such other lands, buildings, or tenements by the exercise of the powers of this Act.

XLVII. And it is enacted, that where the compensation payable in respect of any lands, buildings or premises, or any interest therein, shall have been ascertained by the valuation of a Surveyor, and deposited, as hereafter provided, by reason that the owner or party entitled to convey such lands, buildings, and tenements, or such interest therein as aforesaid, could not be found or was absent, and such owner or party shall be dissatisfied with such valuation, it shall be lawful for him, before he shall have applied as hereinafter provided, for payment or investment of the monies so deposited under the provisions herein contained, by notice in writing to the said Commissioners, to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted accordingly, in the same manner as in other cases of disputed compensation hereinbefore authorized or required to be submitted to arbitration.

XLVIII. And it is enacted, that the question to be submitted to the arbitrators in the case last aforesaid shall be whether the sum so deposited as aforesaid by the

said Commissioners was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

XLIX. And it is enacted, that if the arbitrators shall award a further sum to be paid or deposited by the said Commissioners, they shall pay or deposit, as the case may require, such further sum within fourteen days after the making of such award, or in default thereof the same may be recovered with costs by action or suit in the Supreme Court.

L. And it is enacted, that if the arbitrators shall determine that the sum so paid or deposited was sufficient, the costs of and incident to such arbitration to be determined by the arbitrators shall be, in the discretion of the arbitrators, but if the arbitrators shall determine that a further sum ought to be paid or deposited by the said Commissioners, all the costs of and incident to the arbitration shall be borne by the said Commissioners.

LI. And it is enacted, that if any party shall be entitled to any compensation in respect of any lands, buildings, or tenements, or of any interest therein which shall have been taken for or injuriously affected by the execution of the works of the said Commissioners, and for which the said Commissioners shall not have made satisfaction under the provisions of this Act, such party may have the same settled, either by arbitration or by the verdict of a jury as he shall think fit; and if the said party desire to have the same settled by arbitration, it shall be lawful for him to give notice in writing to the said Commissioners of such his desire, stating in such notice the nature of the interest in such lands, buildings, or tenements in respect of which he claims compensation, and the amount of the compensation so claimed therein, and unless the said Commissioners be willing to pay the amount of the compensation so claimed, and shall enter into a written agreement for that purpose within twenty-one days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein provided; or if the party so entitled as aforesaid desire to have such question of compensation settled by Jury, it shall be lawful for him to give notice in writing of such his desire to the said Commissioners, stating such particulars as aforesaid, and unless the said Commissioners be willing to pay the amount of compensation so claimed and enter into a written agreement for that purpose, they shall, within twenty-one days after the receipt of such notice, issue their warrant to the Sheriff to summon a Jury for settling the same, in the manner herein provided, and in default thereof, they shall be liable to pay to the party so entitled as aforesaid the amount of the compensation so claimed, and the same may be recovered by him by action of debt or on the case in the said Supreme Court.

LII. And it is enacted, that so soon as the amount of the purchase money or compensation to be paid by the said Commissioners in respect of any lands, houses,

tenements, or hereditaments, or any interest therein, shall be ascertained, fixed, awarded, or settled in any of the modes sanctioned and appointed by this Act as aforesaid, if the said lands, houses, tenements, or hereditaments shall have been purchased or taken by the said Commissioners from any person or persons not entitled to sell or convey tho same, except under the provisions of this Act, as being tenant for life or in tail, married woman, guardian, committee, trustee, executor or administrator, or person having a partial or qualified interest therein, or who shall refuse to accept such purchase money or compensation, or neglect or fail to make out a title to such lands, houses, tenements, or hereditaments, or to the interest therein claimed by him, to the satisfaction of the said Commissioners, or shall refuse to convey or release the same, or shall be absent from the Presidency of Bengal, or cannot after diligent enquiry be found, the said Commissioners are hereby empowered and required forthwith to invest the said purchase money or amount of compensation in some of the Securities or Promissory Notes of the East India Company, commonly called Company's Paper, at the current price of the day, and to deposit the same with the Government Agent at Fort William aforesaid, in the name and with the privity of the Accountant General of the said Supreme Court, to be placed by him to the account of such Accountant General to the credit of the parties interested, or who may be or become interested in such lands, houses, tenements, or hereditaments, describing both them and the said parties so far as the said Commissioners can do pursuant to the course of proceeding in the said Court, under the Rules, Orders and Regulations of the said Court, regarding monies paid into the said Court, in matters and causes depending before it, on its Equity side, and such Securities shall remain so deposited and the interest thereon shall be regularly received by the said Government Agent, and credited to the said account, and when and so often as the said interest so received by the said Government Agent shall amount to a sufficient sum for that purpose, such interest shall be invested by the said Government Agent from time to time in other such Securities as aforesaid, and such monies, principal, and interest shall remain so invested and deposited, until the same be applied, under the authority of the said Court, upon the petition of the party who would have been entitled to the rents and profits of the lands, houses, tenements, and hereditaments in respect of which such monies shall have been deposited, to some one or more of the following purposes, that is to say—In the discharge of any debt or incumbrance affecting the lands, tenements, and hereditaments in respect of which such money shall have been paid, or affecting other lands settled therewith, to the same, or the like uses, trusts or purposes, or in the purchase of other lands, tenements, or hereditaments to be conveyed, limited and settled upon the like uses, trusts, and purposes, and in the same manner as the lands, tenements, or hereditaments in respect of which such money shall have been paid, stood settled; or if such money shall be paid in respect of any buildings

taken under the authority of this Act, or injured by the proximity of the works in removing or replacing such buildings, or substituting others in their stead, or in payment to any person who shall become absolutely entitled to such money, and until such monies can or shall be so applied, the interest, dividends, and annual proceeds of such Company's Paper shall and may, upon the like petition and order, be paid to the party or parties who would for the time being have been entitled to receive the rents and profits of the said lands, tenements, and hereditaments.

LIII. And it is enacted, that where any purchase money or compensation paid as aforesaid under the provisions of this Act, shall have been paid in respect of any lease for a life or lives, or years, or any estate in lands, tenements, or hereditaments less than the whole fee simple thereof, or in respect of any reversion dependent on any such lease or estate, it shall be lawful for the said Supreme Court, on the petition of any party interested in such money, to order that the same shall be laid out, invested, accumulated and paid in such manner as the said Court may consider will give to the parties interested in such money, the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion, in respect of which such money shall have been paid or as near thereto as may be.

LIV. And it is enacted, that upon payment or deposit, in manner hereinbefore mentioned, of the purchase money or compensation agreed or awarded to be paid in respect of any lands, tenements, or hereditaments purchased or taken by the said Commissioners, under the provisions of this Act, the owners of and all parties by this Act enabled to sell or convey such lands, tenements, and hereditaments, shall, when required so to do by the said Commissioners, duly convey such lands to the said Commissioners, or as they shall direct; and in default thereof, or if such party fail to adduce a good title to such lands, tenements, and hereditaments, to the satisfaction of the said Commissioners, it shall be lawful for the said Commissioners, if they think fit, to execute a deed of sale, under their common seal, containing a description of the lands, tenements, and hereditaments in respect of which such default shall be made, and reciting the purchase or taking thereof, and the names of the parties from whom the same were purchased or taken, and the payment made in respect thereof, and declaring the fact of such default having been made; and thereupon all the estate and interest in such lands, tenements, and hereditaments, of, or capable of being sold and conveyed by, the party with whom the said Commissioners shall have made such agreement, or to whom such purchase money or compensation shall have been awarded by a jury or by arbitrators, or by a Surveyor, appointed by any Magistrate or Magistrates, or, as hereinbefore provided, shall vest absolutely in the said Commissioners, and as against such parties and all parties on behalf of whom they are hereinbefore enabled to sell and convey, the said Commissioners shall be entitled to immediate possession of such lands, tenements, and hereditaments.

LV. And it is enacted, that if the owner of any such lands, tenements, and hereditaments, purchased or taken by the said Commissioners, or of any interest therein, on tender of the purchase money or compensation agreed or awarded to be paid in respect thereof, shall refuse to accept the same, or neglect or fail to make out a title to such lands, tenements, and hereditaments, or to the interest therein claimed by him, to the satisfaction of the said Commissioners, or if he refuse to convey or release such lands, tenements, and hereditaments, as directed and required by the said Commissioners, or if any such owner be absent from the Presidency of Bengal, or cannot after diligent inquiry be found, or fail to appear on the inquiry before a jury as hereinbefore provided, it shall be lawful for the said Commissioners to place the purchase money, or compensation payable in respect of such lands, tenements, and hereditaments, or any interest therein, to the credit of the parties interested in such lands, tenements, and hereditaments, (the said parties being described so far as the said Commissioners can describe them) subject to the control and disposition of the said Supreme Court; and it shall be lawful for the said Commissioners, if they shall think fit, to execute a deed of sale under their common seal containing a description of the lands, tenements, and hereditaments in respect whereof such purchase money or compensation shall have been placed to credit, and declaring the circumstances under which and the names of the parties to whose credit such purchase money or compensation shall have been placed, and thereupon all the estate and interest in such lands, tenements, and hereditaments of the parties for whose use and in respect whereof such purchase money or compensation shall have been placed to credit, shall vest absolutely in the said Commissioners, and as against such parties they shall be entitled to immediate possession of such lands, tenements, and hereditaments.

LVI. And it is enacted, that upon the application by petition of any party making claim to the money so placed to credit as last aforesaid, or any part thereof, or to the lands, buildings, or tenements, in respect whereof the same shall have been so placed to credit, or any part of such lands, buildings, or tenements, or any interest in the same, the said Supreme Court on its Equity side may, in a summary way, as to the said Court shall seem fit, order such money to be laid out or invested in Company's Paper and deposited as aforesaid with the said Government Agent, and may order distribution thereof, or payment of the interest thereof, according to the respective estates, titles, or interests of the parties making claim to such money, lands, buildings, or tenements, or any part thereof, and may make such other order in the premises as to the said Court shall seem just.

LVII. And it is enacted, that the said Commissioners shall not be deemed necessary or competent parties to any such proceeding in the said Supreme Court, but that due notice shall be given, according to the course and practice of the said

Court, in matters before it, by summary petition by the party or parties petitioning, to all other parties interested, to whom it shall be competent to appear in such summary suit to defend and maintain their respective rights and interests.

LVIII. And it is enacted, that the said Commissioners may, with the consent of the said Governor, sell and dispose of any lands or tenements vested in them by virtue of this Act, or any part thereof, either together or in parcels, as they may find most convenient and advantageous, and the money to arise and to be produced by such sale shall be applied to such of the purposes of this Act or Act No. XVI. of 1847, as the said Commissioners shall think fit, and the purchaser of such lands or tenements shall not be answerable or accountable for any misapplication or non-application of such purchase money; and for the completing and carrying any such sale into effect, the said Commissioners may make and execute a conveyance of the lands and tenements sold and disposed of as aforesaid unto the purchaser thereof, and such conveyance shall be under the common seal of the said Commissioners.

LIX. And it is enacted, that in every conveyance of lands to be made by the said Commissioners under this Act, the word "grant" shall operate as express covenants by the said Commissioners, for themselves and their successors, with the respective grantees therein named, and their Successors, Heirs, Executors, Administrators or Assigns, as the case may be, according to the quality and nature of such grants and of the estate or interest therein expressed to be thereby conveyed as follows, except as far as the same shall be restrained or limited by express words contained in any such conveyance (that is to say) a covenant that, notwithstanding any act or default done by the said Commissioners, they were, at the time of the execution of such conveyance, under and by virtue of the provisions of this Act, possessed of the lands or premises granted thereby, for an indefeasible estate of inheritance in fee simple, free from all encumbrances, done or occasioned by them or otherwise for such estate or interest as therein expressed, to be thereby granted free from encumbrances done or occasioned by them.

LX. And in order to raise money for defraying the expenses incurred or to be incurred by the said Commissioners in carrying into effect the provisions of this Act, or of Act No. XVI. of 1847, it is enacted, that it shall be lawful for the said Commissioners, and they are hereby authorized, subject in each case to the approval of the Governor aforesaid, to be signified in writing, to borrow and take up at interest, on the credit of the rates, taxes, and duties authorized to be made, levied, and received by the said Commissioners, from any person who shall be willing to advance the same, the sum and sums of money necessary for defraying the costs, charges, and expenses incurred or to be incurred by the said Commissioners in carrying into effect, with the least possible delay, the provisions of this Act, or of Act No. XVI.

1847, and for securing the repayment of such sum or sums of money, with such interest thereon as shall be agreed upon between the said Commissioners, and the person or persons lending or advancing the same, the said Commissioners may mortgage and assign over the said rates, taxes, tolls, and duties, or any part thereof, to the person or persons who shall advance such money, or to a Trustee or Trustees on his or their behalf, as security for the money so to be borrowed, together with interest upon the same, and no assessment, tax, toll, or duty over which any such mortgage shall have been granted, shall be repealed, in whole or in part, until such mortgage shall be paid off unless by the consent in writing of such mortgagee.

LXI. And it is enacted, that in order to discharge the principal money of any such sum or sums of money as shall be borrowed on security of the assessments, taxes, and duties aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and required, yearly and every year to deduct, appropriate, and set apart, and apply out of the rates aforesaid, such a sum of money as shall be in proportion to one-thirtieth part of the money borrowed or secured, and which at that time shall remain due and secured as aforesaid, upon the said assessments, taxes, and duties, as and for a Sinking Fund, to be applied in paying off and discharging the principal monies so borrowed or secured, and from time to time cause the amount of such Sinking Fund to be invested in the Securities of the East India Company called Company's Paper, and such Company's Paper to be deposited from time to time in the hands of the Government Agent, who is hereby empowered and required to increase the same, by investing the interest payable thereon, as the same shall become due and payable, in the purchase of other Company's Paper, and so on, from time to time, so that the said Sinking Fund shall accumulate at compound interest until the same shall be of sufficient amount to pay off the said principal debts, or one of them, or some part of some one of them, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

LXII. And it is enacted, that every mortgage of assessments, taxes, and duties authorized to be made under the provisions of this Act shall be by deed, in which the consideration shall be truly stated, and every such deed shall be under the common seal of the said Commissioners, and signed by three of them at the least at one of their annual, quarterly, or special meetings, and may be according to the form in the Schedule [A] to this Act annexed, or to the like effect, and the respective mortgagees shall be entitled, one with another, to their respective proportions of the assessments, taxes, tolls and duties comprized in such mortgages, according to the respective sums which in such mortgages are mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced with interest without any preference one above another, by reason of priority of advance, or of the date of any such mortgage respectively.

LXIII. And it is enacted, that the expenses of every mortgage shall, from time to time, be defrayed by the said Commissioners out of the money raised by the same.

LXIV. And it is enacted, that a Register of all the said mortgages shall be kept by the Clerk of the said Commissioners, and within fourteen days after the date of any mortgage an entry or memorial, specifying the number and date of such mortgage, and the sum secured thereby, and the names of the parties thereto, with their proper additions, shall be made in the said Register, and the said Register may be perused at all reasonable times by any mortgagee, or by any person interested in any such mortgage, without fee or reward.

LXV. And it is enacted, that, from time to time, any party entitled to any such mortgage may transfer his right and interest therein to any other person, and every such transfer shall be by deed, wherein the consideration shall be truly stated, and every such transfer may be according to the form in the Schedule B. to this Act annexed, or to the like effect.

LXVI. And it is enacted, that within thirty days after the date of every such transfer, if executed within the territories subject to the Government of the East India Company, or otherwise, within thirty days after the arrival thereof within the said territories, it shall be produced to the said Clerk, and thereupon the said Clerk shall make an entry or memorial thereof in the Register aforesaid, in the same manner as in the case of an original mortgage, and for such entry the said Clerk may demand and receive a fee not exceeding Two Rupees, and after such entry every such transfer shall entitle the transferee, his Executors, Administrators and Assigns, to the full benefit of the original mortgage, and the principal and interest secured thereby; and such transferee may, in like manner, assign or transfer the same again, and toties quoties; and it shall not be in the power of any person, except the person to whom the said mortgage shall have been last transferred, his Executors, or Administrators, or Assigns, to make void, release, or discharge the original mortgage, or the monies due thereon, or secured thereby.

LXVII. And it is enacted, that from and after the payment or satisfaction of all the principal and interest of monies secured by any mortgage made under the power of this Act, all the estate, property, right, and interest by such mortgage vested in the mortgagee, his Heirs, Executors, Administrators, or Assigns, shall, without any transfer, or release, or any other act or deed whatsoever, immediately cease and determine.

LXVIII. And in order that no undue preference may be given in paying off any mortgages, it is enacted, that whenever the said Commissioners shall be enabled to pay off one or more out of the number of the said mortgages, or a part of the money secured on any such mortgage, they shall decide the order in which such

mortgages shall be paid off, by lot or ballot, and shall cause a notice, signed by their Clerk, to be given to the person entitled to the money to be paid off, pursuant to such lot or ballot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at the office of the Clerk of the said Commissioners on a day and at an hour to be specified, at the expiration of six months from the date of giving such notice.

LXIX. And it is enacted that the said Commissioners may, if they think proper, fix a period for the re-payment of the whole of the principal money borrowed on any one mortgage under the provisions of this Act, with the interest thereon, and in such case the said Commissioners shall cause such period to be inserted in the mortgage deed, and upon the expiration of such period the said principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal sum and interest, and if no other place of payment be inserted in such mortgage deed, such principal and interest shall be payable at the office of the Clerk of the said Commissioners.

LXX. And it is enacted, that if no time be fixed in the mortgage deed for the re-payment of the money so borrowed, the party entitled to receive such money, may, at the expiration, or at any time after the expiration of twelve months from the date of such mortgage, demand payment of the principal sum thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose, and in the like case the said Commissioners may at any time pay off the money borrowed on giving the like notice, and every such notice shall be in writing or print; or partly in writing and partly in print, and if given by a mortgagee or creditor shall be delivered to the Clerk aforesaid, or left at his office, and if given by the said Commissioners, shall be given either personally to such mortgagee or creditor, or left at his residence, or, if his present residence be not known, then at his last known place of abode, or if such mortgagee or creditor be unknown to the said Commissioners, or cannot be found after diligent inquiry, and his last place of abode be unknown, such notice shall be given by advertisement in the Calcutta Government Gazette, and once in each of three successive weeks in two of the Calcutta Newspapers.

LXXI. And it is enacted, that if the said Commissioners shall have given notice in terms of this Act of their intention to pay off any such mortgage, then, at the expiration of such notice, all further interest shall cease to be payable on such mortgage, unless demand of payment be made pursuant to such notice, and unless on such demand being duly made the said Commissioners shall fail to pay the principal and interest then due on such mortgage.

LXXII. And it is enacted, that it shall be lawful for any mortgagee, or other person entitled to receive payment of the money secured by any such mortgage, to

enforce the payment of the principal money and interest due thereon by applying for the appointment of a Receiver in the manner hereinafter provided, but in order to authorize the appointment of such Receiver the amount of money owing to the mortgagee or mortgagees, or creditor or creditors by whom the application is made, shall not be less than Ten Thousand Rupees.

LXXIII. And it is enacted, that if within six months after the principal money or any interest owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee or other creditor as aforesaid (without prejudice to his right to sue for such principal money, together with all arrears of interest, in any competent Court or Courts of Law or Equity,) may, if his debt amount to the sum of Ten Thousand Rupees alone, or, if his debt does not amount to that sum, in conjunction with other mortgagees whose debts being so in arrear after demand as aforesaid shall, together with his amount to the said sum, require the appointment of a Receiver, by an application to be made as hereinafter provided.

LXXIV. And it is enacted, that every application for a Receiver shall be made to one or more Justices of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, and on any such application it shall be lawful for such Justice or Justices, by order in writing, after hearing the parties, to appoint a fit and proper person to receive the whole or a competent part of the rates and assessments, and to apply the same to the payment of such interest, or principal and interest, as the case may be, together with all costs, including the charges of receiving the rates and assessments, until the said principal and interest, together with all such costs and charges, be fully paid, and upon such appointment being made, all such rates and assessments, as aforesaid shall be paid to and received by the person so appointed, who is hereby empowered to give good and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such Receiver shall have been appointed, and after such interest and costs, or such principal interest and costs have been so received, the power of such Receiver shall cease.

SCHEDULE A.

Form of Mortgage Deed.

Mortgage No. Rupees By virtue of the Acts of the Legislative Council, No. XVI. and No. XXII. of 1847, We, the Commissioners appointed and acting under and by authority of the said Acts, in consideration of the sum of Co.'s Rupees paid to us by A. B. of do hereby assign unto the said A. B., his Executors, Administrators and Assigns, all

the rates and sums of money arising in the Town of Calcutta by virtue of the said Acts, and all the estate, right, title, and interest of the said Commissioners in the same. To hold unto the said A. B., his Executors, Administrators, and Assigns until the sum of together with interest for the same at the rate of for every hundred Rupees by the year, be satisfied (the principal sum to be repaid at the of years from the date hereof)—(*in case any certain period be agreed upon for that purpose.*)

Given under our Common Seal this day of in the year of our Lord and signed by us at our meeting on the said day.

A. B. *Commissioner.*
C. D. „
E. F. „

SCHEDULE B.

Form of Transfer of Mortgage.

I, A. B., of in consideration of the sum of paid to me by G. H. of do hereby transfer to the said G. H., his Executors, Administrators, and Assigns, a certain Mortgage Number made by the Commissioners appointed and acting under and by authority of Acts No. XVI. and No. XXII. of 1847, of the Legislative Council of India, bearing date the day of for securing the sum of Company's Rupees and interest (*or if such transfer be by indorsement* the within security) and all my right, estate, and interest in and to the money thereby secured, and in and to the rates and property thereby assigned.

In witness whereof I have hereunto set my hand and seal this day of in the year of our Lord,

A. B.

L. S.

Act No. I. of 1848.

Passed on the 22nd January 1848.

It is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, except the local limits of the Courts established by Her Majesty's Charter, the Magistrates of the several Zillahs and Cities shall not receive any charges of Forgery, or of procuring, or causing Forgery, or of fraudulently issuing and publishing as true or otherwise fraudulently giving effect to, or attempting to give effect to, false and fabricated Deeds and Papers, knowing the same to be false and fabricated, which may be preferred by parties to Civil or Criminal cases in respect to Deeds and Papers offered in evidence in such cases against the adverse parties to such cases, or other persons, except as provided in the next following Section.

II. And it is hereby enacted, that in cases pending before any Civil or Criminal Court (except the Court of the Magistrate, or of any Officer exercising the committing powers of a Magistrate) in which there may appear to the Court sufficient grounds for sending for investigation to the Magistrate a charge of any of the offences specified in Section I. of this Act, the Court shall send the party or parties accused in custody to the Magistrate, together with the evidence and documents relevant to the charge, and shall take a recognizance from each of the witnesses who have given such evidence to appear before the Magistrate, who shall thereupon receive such charge, and proceed with it in the usual course.

Provided always, that nothing herein contained shall be construed to affect the powers vested in Sessions Judges in cases of Forgery, by Section 6, Regulation II. of 1807, of the Bengal Code.

III. And it is hereby enacted, that the powers vested by Clause 2, Section 14, Regulation XVII, of 1817, of the said Code, in Zillah and City Judges, of committing persons chargeable with Perjury or Subornation of Perjury in cases pending before such Judges, are hereby vested in Principal Sudder Ameens in Civil cases pending before them, and the Principal Sudder Ameens and the Magistrates are hereby authorized and required to proceed in the manner in which the said Judges and Magistrates are authorized and required to proceed by the said Clause.

IV. And it is hereby enacted, that it shall be competent to the Sessions Judges to try persons committed by themselves as Civil Judges under the provisions of the said Clause for Perjury or Subornation of Perjury, any Law to the contrary notwithstanding.

V. And it is hereby enacted, that for the purposes of this Act, the expression Civil Courts shall be held to include all Revenue Officers acting judicially.

ACT No. II. OF 1848.

Passed on the 26th February 1848.

AN ACT to confer certain powers and privileges on the Commissioners for the Improvement of the Town of Calcutta, and to provide for the execution of certain public works by them.

Whereas by Act No. XVI. of 1847, it was amongst other things enacted, that the whole proceeds of the rates and taxes therein aforesaid, after paying all establishments and incidental expenses, should, together with such monies as the Government of Bengal, with the sanction of the Governor General in Council, might direct to be paid over to the Commissioners for the Improvement of the Town of Calcutta therein aforesaid, be applied by them to the following purposes, *viz.*

Formation of Tanks and Aqueducts for the conveyance of water to all parts of the Town.

Opening of Streets and Squares in crowded parts of the Town.

Filling Stagnant Pools of Water, and removing obstructions to the free circulation of air.

Lighting and watering the Roads and Streets.

Cleansing and repairing the same and the drains of the said Town.

And improving and embellishing the said Town generally.

And whereas, for the effectual accomplishment of the purposes aforesaid, it is expedient that the said Commissioners should be empowered to appoint a Clerk and a Surveyor and other necessary Officers, and that the said Commissioners and their said Clerk, and their said Surveyor, and other Officers should exercise powers interfering with the rights and property of individuals:

I. It is therefore hereby enacted, that the said Commissioners shall, subject to confirmation or disallowance by the Governor of Bengal, nominate and appoint fit and proper persons to be their Surveyor and Clerk and other necessary Officers who shall receive such salaries as to the Governor of Bengal shall seem meet.

II. And it is hereby enacted, that for the purpose of constructing one or more Aqueducts for bringing pure and wholesome water to the Town of Calcutta from any place without the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, it shall be lawful, whenever a plan for an Aqueduct shall have been approved by the Governor of Bengal, for every Commissioner, and for the Surveyor and Clerk to the Commissioners, with such Assistants as they may require, to exercise in the construction of such Aqueduct, throughout the line of country through which such Aqueduct is to run, all the powers which by this Act it is lawful for them to exercise within the said local limits, and which may be necessary for the construction of such Aqueduct, without being subject to any action or molestation

whatever for so doing. And it shall also be lawful for any Magistrate of any district through which the said Aqueduct is to run, in furtherance of the construction of such Aqueduct, to do such acts, and he is hereby required to do such acts, as it is by this Act lawful for a Magistrate of the Town of Calcutta to do, and as he is by this Act required to do, in furtherance of any work to be executed by the said Commissioners within the said local limits.

III. And it is hereby enacted, that it shall be lawful for the said Commissioners, instead of executing any of the works which by this Act they are authorized to execute by themselves, their Servants and Assistants, to execute the same by contract with any individual or Company who may be willing to undertake the same, and in that case it shall be lawful for such individual or such Company to exercise and enjoy all the powers and privileges which by this Act it is lawful for the said Commissioners to exercise and enjoy in the execution of such work.

IV. And it is enacted, that if in carrying into execution any of the powers or authorities of this Act, any house, building, or other hereditament shall be damaged or otherwise prejudicially affected, the said Commissioners shall make good such damage, and pay to the Owner and Occupier of such house, building, or other hereditament such amount of compensation for such injury as shall be agreed upon between such Owner and Occupier, and the said Commissioners, and if such Owner or Occupier, and the said Commissioners cannot agree as to the amount of such compensation and the proportions thereof to be paid to such Owner and Occupier respectively, then the amount of such compensation, and also the proportions which the persons claiming the same are entitled to, shall be settled and recovered by arbitration, or the verdict of a Jury, to be summoned and returned in the manner provided in Act No. XXII. of 1847, entitled an Act to enable the Commissioners who may be appointed under Act No. XVI. of 1847, to purchase real or personal property for the Improvement of the Town of Calcutta.

V. And it is enacted, that if any person at any time shall obstruct or molest the said Commissioners, or any Clerk, or Surveyor, or other officer, or any workman, or other person employed by them, or any person or Company with whom they may have contracted under the provisions of this Act, or any person employed by them in the performance and execution of their or his duty, or any thing which they are respectively required or authorized to do by virtue, or in consequence of this Act, every such person so offending shall, for every such offence, on conviction before a Magistrate, forfeit and pay any sum not exceeding Fifty Rupees.

VI. And it is enacted, that every Commissioner and the Surveyor, and Clerk to the Commissioners, with such Assistants as they may require, shall, for the purposes of this Act, have full power and authority at all seasonable hours in the day

time to enter, or to direct his subordinate Officers to enter into, and upon any land or tenement, and in and upon the land on which any house, building, or other erection is built or building, or intended to be built, and into and upon any buildings or any part thereof, without being liable to any action at Law or suit in Equity, or any other legal proceedings or molestation whatsoever, for or on account of such entry, or of any thing done or to be done in any part thereof in pursuance of this Act. Provided that none of the persons above-mentioned shall enter upon any lands or tenements which may be occupied at the time unless with the consent of the occupier thereof, without previously giving the said occupier reasonable notice of his or their intention to do so.

VII. And it is enacted, that the management and control over all and every of the streets, public ways, and public thoroughfares of every kind and description within the said Town of Calcutta existing at the time of the passing of this Act, and of all parts of the said Town which shall hereafter become streets, public ways, or public thoroughfares of any kind or description, and the pavements and other materials therein, and all erections and buildings, materials, implements or other things provided for the said streets, public ways, and public thoroughfares, by or under the authority of the Government of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, shall be the property of, and are hereby vested in the said Commissioners, as Trustees.

VIII. And it is enacted, that it shall be lawful for the said Commissioners, with the consent and approbation of the Government of Bengal, to pave and water such of the streets, public ways, and public thoroughfares existing in the said Town at the time of the passing of this Act, or at any future time as they shall think fit.

IX. And it is enacted, that the said Commissioners shall keep in sufficient repair every street, public way, and public thoroughfare existing in the said Town at the time of passing this Act, or at any future time, and shall be liable to be indicted for not sufficiently repairing the same.

X. And it is enacted, that if any person shall displace, take up, or make any alteration in the pavements, flags, or other materials of any foot or carriage way in any street within the said Town, without the consent in writing of the said Commissioners or of their said Surveyor, or shall cause any obstruction to, or make any encroachment upon, any street in the said Town, any such person so offending shall, for every such offence, on conviction before a Magistrate, forfeit and pay a sum not exceeding Fifty Rupees.

XI. And whereas it is essential to the health and convenience of the inhabitants, that straight and spacious streets and thoroughfares should be continued where they have been begun, and should be opened at convenient and suitable distances where

such do not at present exist, so as to perforate the mass of buildings within the said Town in straight lines, as nearly as may be, from South to North, and from East to West, crossing each other at right angles, and from South East to North West and from South West to North East, crossing the straight lines above-mentioned diagonally with large open spaces, forming squares or circles, at convenient and suitable distances from whence the said streets may conveniently diverge in lines without interruption to the river, and to the open country without the said Town, so far as the completion of such plan may be practicable, and, where not entirely practicable, upon a plan as nearly approaching to such plan as may be: And whereas it is also expedient and necessary that the narrow lanes and gulleys which compose the greater part of the said Town inhabited by the Native inhabitants should be converted into such straight and spacious streets and thoroughfares formed as above-mentioned, due regard being had to the compensation of Owners of houses, buildings, and grounds, which may be required to be vested in the said Commissioners for any such purposes as aforesaid:

It is enacted, that as soon as may be after the passing of this Act, the said Commissioners shall cause plans to be made by their said local Surveyor and by other competent Surveyors, showing the direction and breadth of such streets and thoroughfares, and the situations and dimensions of such open spaces to form squares or circles as aforesaid, which, in their opinion, shall be the most suitable for carrying into effect the above-mentioned objects, keeping in view the salubrity of the said Town, the convenience of communication within the same, and the economy with which the said improvements may be carried into execution, together with estimates of the expense of the necessary works, and estimates of the probable value of the houses, buildings and grounds, which it will be necessary for the said Commissioners to purchase for these purposes; and the said Commissioners shall select from the plans which shall be so furnished to them the one which they, or a majority of them, shall consider the best and most eligible, and shall transmit to the Secretary to the Government of Bengal the said plan, and the resolution of the Commissioners thereupon, for the consideration of the said Governor of Bengal, and upon the said Governor signifying, through the said Secretary, by writing signed by the said Secretary, his approval of such plan, the said Commissioners shall proceed with all convenient speed to carry the same into execution, so far as the funds at their disposal, and the circumstances under which the works are to be carried into execution, will allow, in conjunction with the other improvements contemplated by this Act; and in case the said Governor shall signify his disapproval of the plan so submitted to him, the said Commissioners shall cause another plan to be drawn by the same or any other competent Surveyor, which plan shall in like manner be submitted by the said Commissioners to the said Governor, and so from

time to time until such plan shall be finally approved of by the said Governor, and as soon as may be after such final approval of the said Governor shall be intimated to the Commissioners aforesaid, the said Commissioners shall proceed to carry the said plan so approved into execution with all such convenient speed as aforesaid.

XII. And it is enacted, that the said plan having been so submitted to and having been approved by the said Governor as aforesaid, Commissioners shall proceed, in conformity with the provisions of Act No. XXII. of 1847, with the purchase of such houses, buildings, and grounds as it may be necessary to purchase for the execution of such plan, and shall, upon such purchase being completed, give orders to their said local Surveyor to proceed with the said works without further reference to the said Governor.

XIII. And whereas it is essentially necessary to the salubrity of the said Town to make provision for the effectual sewerage and drainage of the same:

It is enacted, that as soon as conveniently may be after the passing of this Act, the said Commissioners shall cause their said Surveyor to make a careful survey of the whole of the said Town, and in an accurate and distinct report to be framed by him to state what in his opinion are the defects of such sewerage, works, and drains as shall at that time exist therein, and what alterations of the same, and what new main and other sewers and drains are necessary and proper for the effectual draining and clearing of the whole of the said Town, and what reservoirs, engines, sluices, penstocks and other works are required for properly flushing and cleansing out such sewers and drains, and at and from what places such drains and sewers respectively ought to commence, in what precise direction they are to be conducted, and at what places respectively they ought to terminate.

XIV. And whereas it is of the most essential importance that all the inhabitants of the said Town should be supplied with good and wholesome water for drinking and for domestic purposes, to the utmost extent that the local and other circumstances of the said Town will permit, and especially that the poorer inhabitants thereof should be so supplied with water; And whereas supplies of water are also required for the efficient and wholesome cleansing and watering of the streets, and cleansing the main and other sewers and drains which may be constructed or maintained under the provisions of this Act:

It is enacted, that the said Commissioners shall at the same time cause their said Surveyor to report upon the existing supplies of water in the said Town, the sufficiency or insufficiency of such supply for all the several purposes aforesaid, and the healthful or palatable quality as water for drinking of every description of water so supplied, or which the said Surveyor shall recommend in future to be supplied, and with a view to test the accuracy of his report upon this latter subject, the said

Commissioners shall cause such water or waters to be analysed and reported on by competent Chemists and Medical men, and the said Surveyor shall also state in his report from what point on the River Hooghly, North of Calcutta, water in sufficient quantity can be conveyed into the Town for the domestic purposes of the said inhabitants, and for the efficient and wholesome cleansing and watering of the said streets, and cleansing the main and other sewers and drains which shall or may be constructed and maintained under the provisions of this Act, and shall state whether in his opinion one supply of water from one place can be commanded adequate to all these several purposes, and from what distance and at what probable expense, and what reservoirs, engines, sluices, canals, aqueducts, pipes, and other works, and of what respective dimensions, are required for the adequate and abundant supply of such water for all such purposes as aforesaid.

XV. And for carrying into effect the purposes aforesaid it is enacted, that all sewers and drains, together with all buildings and other works, materials, and things therewith connected, and all canals, aqueducts, tanks and wells provided for or lawfully applied to public use, and which are not the property of any private person or persons, together with all buildings, engines, works, materials and things therewith connected, existing in the said Town at the time of the passing of this Act, or which hereafter shall at any time be constructed and made therein, whether constructed at the cost of the said Commissioners or otherwise, and the entire management and control over the same, subject to the provisions hereinafter contained, shall be the property of, and are hereby vested in, the said Commissioners, as such Trustees as aforesaid.

XVI. And it is enacted, that the said Commissioners shall cause to be constructed and made such and so many sewers and drains, and such and so many reservoirs, canals, aqueducts, engines and other works, and to be laid such and so many water pipes, as shall, in the opinion of the said Commissioners, be necessary and proper for the effectual draining and cleansing of the whole of the Town aforesaid and for the properly flushing and cleaning out such sewers in and under or across all or any of the streets and ways, whether dedicated to the public use or not, roads and other places within the said Town, and if needful through and across all under ground cellars and vaults which they may find under any of the said streets, ways, roads, or places, doing as little damage as may be, and also to cause such and so many rings and openings to be made or left in the sides of the said sewers as will be sufficient for the making or branching any drain or drains from any or all of the houses built, and which may probably be built, adjoining or near thereto into any of the said sewers, as the said Commissioners shall think fit, necessary, and expedient for that purpose; and in case it shall be found necessary, for completing any of the aforesaid works, to build, carry, or continue the same in, into or through any enclosed

lands or other place not being a public way, it shall be lawful for the said Commissioners to build, carry, or continue the same in, into, or through the said lands or other places accordingly, and the said Commissioners may and shall cause such sewers to communicate with and empty themselves into any public river, stream, canal, or water-course, or to cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its deposit, collection and sale, and its application as manure for agricultural purposes or otherwise as they shall deem most expedient, but so that the same shall in no case become a public nuisance or annoyance to the neighbourhood, and all such sewers, water-courses, canals, reservoirs, and other works and premises shall be the property of and are hereby vested in the said Commissioners, and shall be at all times under the care, control and management of the said Commissioners and of their Surveyor and Officers.

XVII. And it is enacted, that the said Commissioners shall have authority from time to time as they shall see fit, and they are hereby required to widen, deepen, embank, alter, arch over, amend, clean, and scour out all or any of the sewers within the said Town as may be necessary, and also to cleanse and drain off into any sewers or otherwise abate all stagnant pools, ditches, tanks, and other receptacles of foul water and filth existing within the said Town, whether the same be the private property of any person or persons or otherwise, and further in cases in which any of the existing or future sewers vested in the said Commissioners shall, from any cause whatever, appear to the said Commissioners to have become useless or unnecessary, it shall be lawful for the said Commissioners, if they shall think fit, so to do, to take up, stop, fill in, and discontinue such old sewers, in such manner that the same shall not be or become a nuisance or annoyance to the neighbourhood.

XVIII. And it is enacted, that, before beginning to dig or lay the foundations of any new house within the said Town, or to re-build any house therein, and also before making any drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Commissioners, fourteen clear days' notice in writing shall be given to the Clerk to the said Commissioners, by delivering the same to him, or leaving it at his office, by the person intending to build or re-build such house, or to make such drain, and every such foundation shall be laid at such level as the said Surveyor of the said Commissioners shall direct, and every such branch drain shall be made in such direction, manner, and form, and of such materials and workmanship as the said Surveyor shall order, and the making of every such drain shall be under the survey and control of the said Commissioners; and in default of such notice, or if such building or drain shall be begun or made without or in any respect contrary to any order of the said Surveyor, or of the provisions of this Act, it shall be lawful for the said

Commissioners to cause such building to be demolished, and to cause such drain to be re-laid, amended, or re-made as the case may require, and to cause the expenses thereof to be levied and re-paid to them from and by the owner thereof in the manner hereinafter provided.

XIX. And it is enacted, that it shall be lawful for any person at his own expense to make or branch any drain into any of the sewers vested in the said Commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by the said Commissioners, such drain being made of such a size and in such a manner of communication in all respects as the said Surveyor of the said Commissioners shall direct or appoint, and for that purpose to take up and remove so much of the pavement and other materials of any street, as may be required, unless the said Commissioners shall consent and agree, which they are hereby authorized to do, to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street, and in case any person shall make or branch any drain into any of the said sewers so vested in the said Commissioners, or authorized to be made under and by virtue of this Act of a larger size, or in a different manner and form of communication than shall be directed or appointed by the said Surveyor, every person so offending shall, for every such offence, forfeit and pay, on conviction before a Magistrate, a sum not exceeding Fifty Rupees.

XX. And whereas it would tend to insure a greater efficiency and economy in the execution of works if the same were executed by persons under the immediate directions and control of the Surveyor of the said Commissioners, it is enacted, that it shall be lawful for the said Commissioners to contract and agree with the Owners of any houses or other tenements within the said Town, that any drains required to be made by such Owners shall be constructed and made by the Surveyor of the said Commissioners, and the cost price of making such drains (as certified by the said Surveyor of the said Commissioners) shall be re-paid by such Owners to the said Commissioners, and in default of such payment the same may be recovered in the manner hereinafter provided.

XXI. And whereas the noxious effluvia exhaling from gully holes of sewers and drains has been found to be injurious to health, and it is therefore expedient that some provision should be made in respect thereof, to obviate the same, it is enacted, that the said Commissioners and the Owners of any private drains in the Town aforesaid, shall, by providing proper traps, or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose, effectually prevent the effluvia of sewers and drains from exhaling from gully holes, gratings, or any other openings whatsoever, of drains or sewers in streets or other places, and in case the Owners of any private sewer or drain shall neglect or delay

so to do, the Surveyor of the said Commissioners shall give him notice effectually to prevent the effluvia of such sewer or drain from so exhaling, and if the same shall not be effectually done by such Owner within ten days after such notice shall have been given him, the said Surveyor shall forthwith provide and apply proper traps or other coverings, or such other means as aforesaid, so as effectually to prevent such effluvia from exhaling, and the expense incurred thereby shall be paid by the Owner of such sewer or drain, to be recovered in manner hereinafter mentioned.

XXII. And it is hereby enacted, that it shall be lawful for the said Commissioners and their said Surveyor, and they and he are hereby required when any of the streets, public ways, or public thoroughfares vested in them shall be under repair, or where any sewers or drains are making, or shall be under repair, to take proper precautions against danger, by shoreing up and protecting the adjoining houses, and to fix and place, or cause to be fixed and placed, such, and so many bars, chains, or posts across, or in any of the said streets, public ways, or public thoroughfares, to prevent the passing and repassing of carriages, carts or other vehicles, cattle or horses during the time of such works and repairs being carried on, as shall be necessary and proper, and the said Commissioners and their said Surveyor shall cause any sewer or drain or other works during the construction or repair thereof by them to be well and sufficiently lighted and attended by fit and proper persons during the night, to prevent accidents: and if any person shall take down, alter or remove any of the said bars, chains, or posts, or extinguish any light attached to or connected with the said bars, chains, or posts, without the authority or consent of the Surveyor of the said Commissioners, every such person so offending shall for every such offence forfeit and pay, on conviction before a Magistrate, any sum not exceeding Fifty Rupees.

XXIII. And it is enacted, that the said Commissioners shall, with a due regard to the convenience and the preservation of the health of the inhabitants of the said Town, give strict orders to their said Surveyor to cause, and their said Surveyor shall duly cause, all the streets, ways, thoroughfares, and alleys thereof, whether dedicated to the use of the public or not, together with the foot pavements or footpaths from time to time to be properly swept and cleansed, and all dust, dirt and filth of every sort which may be found thereon, to be collected and removed therefrom, and all the soil, ashes, rubbish, and filth to be taken and carried away from the houses and premises of the inhabitants of the said Town, at convenient hours and times, and shall cause all or any of the privies and cesspools within the said Town to be cleansed and emptied in a sufficient and proper manner, as shall be required, and that the said Surveyor shall, from time to time, give public notice on what days, at what times in every week, the said streets, public ways, and public thoroughfares shall be swept and cleansed, and such dirt, dust, and night soil, rubbish,

filth, and ashes carried away, and how and in what manner the same shall be carried away, and where the same shall be deposited, and shall give such orders and directions as to the said Surveyor, acting under the orders and control of the said Commissioners, shall appear proper and necessary, and it shall be lawful for the said Commissioners to purchase or hire any carts, carriages, and other machines, and also any horses or cattle for the better executing and performing any of the above duties.

XXIV. And it is enacted, that the dirt, dust, night soil, and filth to be so collected from the said streets, thoroughfares, alleys, foot-ways, privies, sewers, and cesspools, and all the dust, ashes, and rubbish to be collected, taken, and carried away from all and every of the houses and elsewhere within the said Town, shall be the property of the said Commissioners, and are hereby vested in them; and the said Commissioners shall have full power to sell and dispose of the same, through their said Clerk or Surveyor, for the purposes of this Act, as they shall think proper, and the money arising from the sale thereof shall be applied for the purposes of this Act, and the person purchasing the same shall have full power and authority to take, carry away, and dispose of the same for his own proper use and benefit.

XXV. And it is enacted, that it shall be lawful for the said Commissioners, for the purpose of watering the said streets, public ways and public thoroughfares in the said Town, to sink wells, and lay, erect, and place pipes, conduits, and pumps in any of the said streets, public ways, or public thoroughfares, and to provide any other apparatus proper for that purpose, and to remove and alter the same when and as the said Commissioners shall think proper, and it shall be lawful for the said Commissioners, and they are hereby required to excavate and provide a sufficient number of spacious and convenient tanks, or sufficient runs of water, through the said Town for the inhabitants to bathe in, at suitable and proper times and in suitable and proper places, as may best serve to unite the health and comfort of the labouring population with public decency, making due allowance for the habits and customs of the country.

XXVI. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby required from time to time to make such Bye-laws as they shall think fit for all or any of the purposes following, that is to say:—

For preventing nuisances in any streets or near thereto, and effecting cleanliness therein.

For making regulations for the registering and inspection of slaughter-houses and markets, and for keeping the same in a cleanly and proper state, and for removing filth therefrom at least once in every twenty-four hours, and for requiring that they shall be provided with a sufficient supply of water.

For the punishment of persons selling unwholesome meat, fish, vegetables, sweetmeats, and grain, for the food of man, and for seizing and condemning the same.

For regulating the duties of scavengers, and for regulating the management of urinals and privies.

For making regulations for cleansing filthy and unwholesome dwellings.

For supplying private houses with water from the public reservoirs.

For making regulations to prevent persons bathing and washing their bodies in tanks and water-courses provided for the domestic uses of the inhabitants of the said Town, and to limit the hours of bathing in the tanks and water-courses provided for the purpose of bathing, in such manner as shall appear to the said Commissioners necessary to the health, cleanliness, and comfort of the labouring population.

For enforcing upon the inhabitants of the said Town the performance of such acts, and the abstinence from such acts, as an enlightened regard to the health, cleanliness, and decency of the said Town ought to induce them to perform and to abstain from, due consideration being had for the feelings, manners, and customs of the various races of which the said inhabitants consist.

For ascertaining and fixing what pecuniary penalties shall be incurred by persons breaking such Bye-laws. Provided always, that no such last-mentioned penalty shall exceed for any one offence the sum of Fifty Rupees, nor in case of continuing nuisance, the sum of Five Rupees for every day during which such nuisance shall be continued and unremedied.

XXVII. And it is enacted, that no Bye-law made under the powers for that purpose herein last contained, shall be of any force until the same shall have been laid before the Governor of the Presidency of Fort William in Bengal, and his approbation thereof, and that of the Governor General in Council, shall have been certified to the said Commissioners under his hand by the Secretary to the Government of Fort William in Bengal, nor until the expiration of forty days after the same Bye-law shall have been published once in two of the Calcutta Newspapers, and a copy of such Bye-law, with a declaration thereon, signed by the Clerk to the said Commissioners that the same has been approved by the said Governor and published in two Newspapers as aforesaid, with the date of such publication, shall be received as evidence of such Bye-law, and of the approval and publishing thereof as aforesaid in all Courts of Law and Equity and before all Magistrates.

XXVIII. And it is enacted, that all Bye-laws made in pursuance of this Act shall be printed, and a copy thereof shall be posted up and continue so posted in the Office of the Clerk of the said Commissioners, and copies thereof shall be delivered

to any person who may apply for the same, on payment of such sum as the said Commissioners shall think fit, not exceeding Four Annas.

XXIX. And it is enacted, that all the provisions hereinafter contained, relative to offences against this Act punishable upon summary conviction, shall be taken to apply to all offences committed in breach of any Bye-law made by the said Commissioners by virtue of this Act.

XXX. And it is enacted, that it shall be lawful for the said Commissioners to direct any prosecution for any public nuisance whatsoever, which shall be permitted or suffered within the said Town, and to order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecutions and other proceedings to be paid and borne by and out of the funds placed at the disposal of the said Commissioners under the provisions of this Act.

XXXI. And it is enacted, that it shall be lawful for the said Commissioners to sue and be sued, to prefer any bill of indictment or information, or to take any other proceeding against any person who shall steal, take, or carry away, or wilfully deface or injure any property, articles, or thing belonging to the said Commissioners, and in every such case it shall be sufficient to state generally the property, article, or thing, in respect of which such proceeding shall have been taken to be the property of the said Commissioners.

XXXII. And it is enacted, that nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be, deemed and adjudged to be a nuisance at Common Law, nor to exempt any person guilty of a nuisance at Common Law from prosecution or action in respect thereof. Provided always, that if any person, convicted of an offence under this Act shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof, in every such case, he shall be released from all further or other criminal proceedings for the same offence.

XXXIII. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby empowered, with the consent and approbation of the said Governor, and subject to the restrictions hereinafter contained, to contract and agree with any person or persons for supplying the said Town or any part thereof with water for the purposes of this Act, and with the like consent to agree with any person having and willing to dispose of the same, for the absolute purchase, for any purpose which the said Commissioners shall think necessary for obtaining and protecting such supply of water as aforesaid, of any water-works, streams, or waters, lands, tenements, easements, hereditaments, fixtures, machinery, or other property, or to take a lease thereof for any term of years and subject to such conditions as shall be

agreed upon between the parties, and also, with the like consent and approbation, to grant to any person or persons contracting to supply the said Town or any part thereof with water, a lease for any term not exceeding twenty-one years, of any water-works, machinery, streams, waters, lands tenements, easements, rights, privileges, and advantages belonging to or acquired by or which may belong to or be acquired by or be vested in the said Commissioners under any of the powers or authorities in this Act contained, so as to enable such person or persons so contracting the more effectually and efficiently to procure and supply water, in pursuance of any such contract or agreement, and every such lease so to be granted by the said Commissioners may be made subject to such conditions and stipulations as to the supplying water for the purposes of this Act, or any of them, as may be agreed upon between the respective parties thereto. Provided always, that no lease or contract made in pursuance of the powers hereinbefore contained shall be valid or effectual for any purpose whatsoever unless the said Governor's approval of the same shall be testified by writing, endorsed on such lease or contract, under the hand of the Secretary to the Government of Bengal.

XXXIV. And it is enacted, that if it shall be necessary or advantageous, for the purpose of carrying into execution any plan or mode of supplying water to the said Town, that the said Commissioners should avail themselves of any of the powers in this Act contained, which authorize the said Commissioners or their Lessees to take or enter upon lands without the consent of the Owners and Occupiers thereof for the purpose of constructing, improving, or enlarging any water-works, then, and in every such case, the said Commissioners shall cause a map or plan to be prepared, on a scale of not less than one inch to one hundred feet, describing the sources from which any supplies of water are intended to be procured, the situation of the intended water-works, and the line and course of any intended aqueducts, conduits, tunnels, pipes, or other channels for conveying water to or from the said intended source of supply, and the lands through which the same respectively are intended to be carried, together with a book of reference, containing the names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers respectively of any lands intended to be taken for the purpose of erecting any works thereon, or to be used for the purpose of carrying any tunnels, pipes, channels, or water-works through the same, and one copy of such plan and book of reference shall be deposited in the Office of the Clerk to the said Commissioners, and shall be open at all reasonable times there to the inspection of all parties interested therein, and another copy of such plan and book of reference shall be furnished to the said Surveyor of the said Commissioners, and notice of such intended works, and of the place in which such plan is deposited, shall be given by the said Commissioners to all parties interested in any lands intended to be taken or used for any of the

above purposes, through which it is intended to carry any tunnels, pipes, conduits, or other works, or to such of the said parties as shall after diligent enquiry be known to the said Commissioners, and such notice shall also be published in two or more of the Calcutta Newspapers, at least once in each of two successive weeks.

XXXV. And it is enacted, that as soon as may be after the expiration of one calendar month from the date of the last publication of such notice, the said Surveyor shall give notice by publication in such Newspapers in manner aforesaid, that he will within one week from the date of the last of such publications attend upon such lands, and point out to such as may meet him there and desire to be informed thereof the line and course of such intended aqueducts, conduits, tunnels and pipes, and the situation of such intended reservoirs, tanks, and water-works and he shall accordingly attend at the time and place named in the said notice, and shall then and there point out the same, and all persons who shall deem themselves interested in the matter or likely to be aggrieved thereby shall be entitled to be heard by themselves, their Counsel, Attornies, or Agents, and to adduce such witnesses as they may think necessary before the said Commissioners, and the said Commissioners shall report the evidence taken before them, and the plans and book of reference and the report of the said Surveyor, together with their opinion thereon to the said Governor, and thereupon it shall be lawful for the said Governor to disallow or to authorize the taking of the lands specified in such plan, and required to be taken or used for the purposes aforesaid, or any of them, without the consent of the owners and other persons interested therein, subject in the latter case to such regulations and orders as the said Governor shall think necessary to justice, and not inconsistent with the objects of this Act, and when and so soon as the said Governor, if he shall so determine, shall signify his approval thereof, to be testified under the hand of the said Secretary in manner aforesaid, then the said Commissioners shall and may proceed to carry such plan into execution.

XXXVI. And it is enacted, that it shall be lawful for the said Commissioners, subject to the restrictions hereinafter contained, from time to time to make, construct, lay down, maintain, alter, or discontinue such water-works, steam engines, water-wheels, reservoirs, cisterns, tanks, aqueducts, cuts, channels, conduits, engines, waste-gates, stop-gates, stop-cocks, sluices, banks, bridges, pipes, tunnels, machinery, and other works upon the lands hereby authorized to be purchased and taken by the said Commissioners as shall be necessary or proper for obtaining water and supplying the same to the inhabitants of the said Town.

XXXVII. Provided always, and it is enacted, that the said Commissioners, in erecting and making the said water-works and the said reservoirs, cuts, channels, aqueducts, tunnels, or other works upon lands taken under the compulsory powers

hereinbefore contained shall not deviate to any greater distance than the limits of the deviation as marked in the said plan, nor into the lands of any person not mentioned in the said book of reference, without his previous consent in writing, unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake and that such deviation ought to be allowed shall be certified under the hand of such Surveyor.

XXXVIII. Provided also, and it is enacted, that nothing in this Act contained shall authorize or empower the said Commissioners or their Lessees, by virtue of the compulsory powers of purchase hereinbefore contained, except in the case of any land expressly taken for forming any reservoir or erecting any steam engine, or other works thereon, to acquire or obtain any greater right or interest in any lands or premises through or within which any of the said pipes, culverts, aqueducts, or tunnels are intended or may be required to be laid, than a right of laying the said pipes, culverts, aqueducts, or tunnels therein, and of entering thereon from time to time when requisite to renew, amend, repair, and examine the same.

XXXIX. And it is enacted, that it shall be lawful for the said Commissioners, subject to the restrictions in this Act contained, to enter upon the lands of any corporation or person adjoining to or being within the distance of one hundred yards of the works by this Act authorized to be made, or any part thereof, and not being a garden, orchard, plantation, or ground planted and set apart as a nursery for trees, for the purpose of depositing upon such lands or any part thereof any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit; that the said Commissioners, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said lands to the Owners and Occupiers thereof, from time to time, and as often as any such temporary occupation shall be taken, or any such temporary damage done by the said Commissioners or other Officers, and making compensation to the Owners also for the permanent injury (if any) to such lands, and in case the parties differ respecting the amount of the compensation, or the respective shares of several claimants of compensation, then and in every such case the said disputes respectively shall be settled and adjusted by arbitration or by the verdict of a Jury, summoned and assembled in manner provided in Act No. XXII. of 1847.

XL. Provided always, and it is enacted, that before it shall be lawful for the said Commissioners to make any such temporary use as aforesaid of the lands adjoining or lying near to the said works, the said Commissioners shall, and they are hereby required, to give fourteen days' notice of such their intention to the Owners and Occupiers of such lands, and to separate and set apart by sufficient fences so much

of the lands as shall be required to be used as aforesaid, from the other lands adjoining thereto.

XLI. Provided always and it is enacted, that the said Commissioners, before entering any such adjoining lands for the purposes aforesaid, shall, if required by the Owners or Occupiers of such lands, agree with such Owners or Occupiers for the payment of a certain and fixed annual rent in respect thereof, during the continuance of such temporary occupation, and the amount of such rent, in case the parties differ, shall be settled by arbitration, or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XLII. And it is enacted, that the said Commissioners shall, and they are hereby required, in forming any reservoir or works hereby authorized to be made, and any tunnels or water-courses therein or leading thereto, at their own expense to make and provide a sufficient number of convenient roads, ways, watering-places, wells, water-courses, drains, and channels for the irrigation and for the use of the adjoining lands, and for irrigating the same in those parts where the present roads, ways, watering-places, wells, water-courses, drains, and channels shall and may be taken away or interrupted, injured, or rendered inconvenient or useless by reason of the making of the said reservoirs or other works, and in case of any difference arising between the said Commissioners and the Owners of such adjoining lands, such difference shall be settled by arbitration, or by the verdict of a Jury, summoned and assembled in manner provided in Act No. XXII. of 1847.

XLIII. And it is enacted, that when the pavement or soil of any street, public way, or public thoroughfare, or any sewer or drain shall be opened or broken up by the said Commissioners or their Officers, or by any other person, they shall, with all convenient speed, complete the work on account of which the same shall have been broken up, and fill in the ground, and make good the pavement and soil, and the sewer or drain so opened or broken up, and carry away the rubbish occasioned thereby, and shall in the meantime cause the place where such pavement or soil shall be so opened or broken up to be fenced and guarded, and shall set up and maintain upon and against the part of the said pavement or soil so broken up or opened a sufficient light during every night, whilst such pavement or soil shall be continued open or broken up.

XLIV. And it is enacted, that all existing public cisterns, tanks, conduits, and other water-works used for the gratuitous supply of water to the inhabitants of the said Town shall be continued, maintained, and supplied with water by the said Commissioners, and shall be vested in them, and be under their management and control, and it shall be lawful for the said Commissioners to erect and place any number of new cisterns, tanks, pumps, conduits or other water-works for the supply

of water to the inhabitants of any street, court, alley, public way or public thoroughfare, or of any number of houses as they shall see fit, or to erect the same in any public situation for the gratuitous use of any persons who may choose to carry water away for their private use but not for sale, and to supply with water any public baths or wash-houses that may be established for the use of the poorer classes.

XLV. And it is enacted, that if the said Commissioners shall neglect or refuse to furnish a sufficient supply of water for domestic purposes as settled and arranged by the said Surveyor to the Owner or Occupier of any dwelling house rated to the rate hereinafter mentioned, it shall be lawful for such Owner or Occupier to deduct from the amount of such rate a sum equal to one-eighth part of the amount payable by him in each quarter for every two days in succession during which such neglect or refusal shall continue, after notice in writing shall have been given to the Clerk of the said Commissioners of the want of such supply, unless the want of such supply shall arise from great drought, or other unavoidable cause or accident.

XLVI. And in order to preserve the water to be supplied by the said Commissioners for the domestic use of the inhabitants of the said Town pure and wholesome, it is enacted, that every person who shall wilfully or knowingly commit any of the following offences, shall for every such offence forfeit and pay, on summary conviction before a Magistrate, a sum not exceeding Fifty Rupees.

1. Every person who shall bathe in any reservoir, aqueduct or other water-works belonging to the said Commissioners, and provided by them for the domestic use of the inhabitants of the said Town, or shall wash or cause to be washed therein any wearing apparel, horse, dog or animal.

2. Every person who shall throw, put, or cast, any gravel, stone, rubbish, dirt, filth or other noisome or offensive matter or thing into any such reservoir, aqueduct, or other water-works as aforesaid, or shall wash or cleanse therein any wool, leather, or skin of any animal, or other foul or offensive matter or thing.

3. Every person who shall cause or permit the water of any sink, sewer, or drain, or any other offensive liquid matter or thing belonging to him, or flowing or being in any house or building, or upon any ground occupied by him, to run, drain, or be conveyed into any of the springs, rivulets, reservoirs, aqueducts, pipes, or other water-works, belonging to the said Commissioners, or who shall commit or cause any other act whatsoever, whereby the water of the said Commissioners shall be in any degree whatsoever fouled or corrupted.

XLVII. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby required to provide a sufficient number of lamps for lighting such parts of the said Town as the said Commissioners, on the report of their said Surveyor, shall consider to require the same, and shall keep the said lamps in fit

order for public use, and shall keep and employ a sufficient number of persons to cleanse, prepare, and light the same, and shall also from time to time as shall be required, increase or otherwise alter the number of the said lamps, and shall renew such of the said lamps, as shall become broken, or unfit for use, so that all the streets of the said Town which the said Commissioners shall consider necessary shall be well and sufficiently provided with light from such hour in the evening of each day until such hour of the morning of each following day, as the said Commissioners shall consider to be fit, and proper, and necessary, and the whole of the expense of the erection, repair, maintenance, cleansing and supplying with oil and wicks of each and every of the said lamps, and of lighting and keeping lighted the same during such hour as aforesaid, shall be borne and paid by the said Commissioners.

XLVIII. And it is enacted, that every person who shall wantonly or wilfully destroy, injure, deface, or disturb any of the said lamps, or extinguish any light therein, or abstract or take away from any of the said lamps any oil or other matter or thing therein, or any part thereof, without the order of the said Commissioners, or of their said Surveyor, shall forfeit and pay, on conviction before a Magistrate, for every such offence, any sum not exceeding Fifty Rupees.

XLIX. And it is enacted, that if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this Act, or by virtue of any power or authority hereby given, and if, before action brought in respect thereof, such party shall make tender of sufficient amends to the party injured, such last mentioned party shall not recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court, where such action shall be pending at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

L. And it is enacted, that in all cases where any damage, costs, or expenses are by this Act directed to be paid, and the method of ascertaining the amount or enforcing the paying thereof is not provided for, such amount in case of dispute, shall be ascertained and determined by arbitration in like manner as is provided for proceeding by arbitration under Act No. XXII. of 1847, and if the parties cannot agree upon two persons as arbitrators, or the arbitrators fail to pronounce their award as aforesaid, then by any two Magistrates of Calcutta, and if the amount so ascertained be not paid by the said Commissioners or by the other party liable to pay the same, as the case may be, within seven days after demand thereof, the amount may be recovered by action of debt or on the case in Her Majesty's said Supreme Court of Judicature.

LI. And it is enacted, that the said Commissioners shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any Bye-laws of the said Commissioners affecting other persons than Officers or servants of the said Commissioners, and of the amount of every such penalty, and shall cause such particulars to be printed on a board, or printed upon paper and pasted thereon, in English and Bengallee, and shall cause such board to be hung up or affixed in some conspicuous place in the Office of the Clerk of the said Commissioners, and, when any such penalties are of local application, shall cause such boards to be affixed in some conspicuous place of the immediate neighbourhood to which such penalties are applicable or have reference, and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed, and no such penalty shall be recoverable unless such particulars shall have been published and kept published in the manenr hereinbefore required, or wantonly and maliciously obliterated or destroyed.

LII. And it is enacted, that if any person shall pull down, break, or deface any board put up as required by this Act, or shall obliterate any of the letters or figures thereon, he shall forfeit and pay for every such offence a sum not exceeding 50 Rupees, and shall also defray the expenses attending the restoration of such board.

LIII. And it is enacted, that every penalty or forfeiture imposed by this Act, or by any Bye-law, made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before any Magistrate of Calcutta, and on complaint being made to any such Magistrate, he shall issue his summons, requiring the party complained against to appear before him, at a time and place to be named in such summons, and every such summons shall be served on the party offending either in person or by leaving the same at his usual or last known place of abode, and upon the appearance of the party complained against or in his absence, after proof of the due service of such summons, it shall be lawful for such Magistrate to proceed to the hearing of the complaint, which complaint shall be reduced to writing, and upon proof of the offence either by the confession of the party complained against, or upon the oath or solemn affirmation of one credible witness or more, it shall be lawful for such Magistrate to convict the offender; and upon such conviction, to adjudge the offender to pay the penalty or forfeiture incurred as well as such costs attending the conviction, as such Magistrate or Assistant Magistrate shall think fit, which penalty or forfeiture and costs so adjudged may be levied by distress.

LIV. And it is enacted, that where in this Act or in Act No. XVI. of 1847, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the Goods and Chattels of the party liable to pay the same, and the overplus arising from such Goods and Chattels, after satisfying such sum of money, and the expenses

of the distress and sale, shall be returned on demand to the party whose Goods shall have been distrained.

LV. And it is enacted, that no distress levied by virtue of this Act or of Act No. XVI. of 1847, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may and shall recover full satisfaction for the special damage in an action on the case in Her Majesty's said Supreme Court.

LVI. And it is enacted, that the Magistrate by whom any such penalty or forfeiture shall be imposed may, when the application thereof is not otherwise provided for, award not more than one-half thereof to the informer, and shall award the remainder to the said Commissioners, to be by them applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the Clerk of the said Commissioners for that purpose, whose receipt shall be a good and sufficient discharge to the person so paying the same.

LVII. And it is enacted, that no person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act for any offence complained of before a Magistrate, unless the complaint respecting such offence shall have been made before such Magistrate within six months next after the commission of such offence.

LVIII. And it is enacted, that if, through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and the amount of such damages shall, in case of dispute, be determined by the Magistrate by whom the party incurring such penalty shall have been convicted, and in case such damages shall not be paid on demand, the same may be recovered by action of debt or on the case in Her Majesty's said Supreme Court of Judicature.

LIX. And it is enacted, that it shall be lawful for any Magistrate to summon any person to appear before him as a witness in any matter in which such Magistrate shall have jurisdiction under the provisions of this Act, at a time and place to be mentioned in such summons, and require from him an oath or solemn affirmation that he will testify the truth in such matter, and if any person so summoned shall, without reasonable cause, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, if from distance or any other cause he shall be lawfully entitled to claim such expen-

ses, or if any person appearing shall refuse to be examined on his oath or solemn affirmation according to law, or to give evidence before such Magistrate or Assistant Magistrate, every such person shall, for every such offence, forfeit and pay a sum not exceeding Fifty Rupees.

LX. And it is enacted, that in Acts No. XVI. of 1847 and No. XXII. of 1847 and in this Act, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say,) words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender only shall include females, unless the word male is used. The word "person" shall include corporations, whether aggregate or sole. The words "Oath," "Affirmation," and "Solemn Affirmation" when used alone, shall include oath or affirmation or other declaration lawfully substituted for an oath in such case by any Legislative Act of the Governor General of India in Council, or by any Act of the Parliament of Great Britain extended to India. The word "Street" shall include any square, circus, street, court, alley, foot-path, highway, lane, road, thoroughfare, public passage, or other public place within the said Town. The words "the said Commissioners" shall mean the Commissioners for the time being appointed under the provisions of Act No. XVI. of 1847.

Act No. III. of 1848.

Passed on the 26th February 1848.

An Act for removing doubts as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India.

Whereas doubts have arisen as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India.

It is hereby declared and enacted, that the word "Thug," when used in any Act heretofore passed by the Council of India, shall be taken to have meant and to mean a person who is, or has at any time been, habitually associated with any other or others for the purpose of committing, by means intended by such person or known by such person to be likely to cause the death of any person, the offence of Child-stealing, or the offence of Robbery not amounting to Dacoity. And that the word "Thuggee," when used in such Acts, shall be taken to have meant and to mean the offence of committing or attempting any such Child-stealing or Robbery by a Thug. And that the expression "Murder by Thuggee," when used in such Acts,

shall be taken to have meant and to mean Murder, when employed as the means of committing such Child-stealing or such Robbery by a Thug.

ACT No. V. OF 1848.

Passed on the 4th March 1848.

AN ACT to amend the Law regarding the taking of Mochulkas or Penal recognizances.

I. It is hereby enacted, that Section 4, Regulation IV. of 1825, of the Bengal Code, is repealed.

II. And it is hereby enacted, that in the territories subject to the Presidency of Bengal, it shall be lawful for the Zillah and City Magistrates and Joint Magistrates to take Mochulkas or Penal Recognizances in the form annexed to this Act, as well from British subjects as from other persons, in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognizances may not have been convicted of any specific offence, provided that the amount of the recognizance in all such cases shall be proportionate to the condition in life of the said party, and to the circumstances of the case.

III. And it is hereby enacted, that, in cases of an aggravated nature, wherein it may appear necessary to require security for keeping the peace, in addition to the recognizance of the party, it shall be lawful for such Magistrates to direct the same, and to fix a reasonable amount for the security bond to be executed in the form annexed to this Act by the surety or sureties.

IV. And it is hereby enacted, that, whenever it shall appear to the Magistrate that the period for which the party should be bound to keep the peace with or without additional security need not exceed one year, it shall be lawful for him without reference to superior authority, to give directions accordingly; and, in default of such recognizance or additional security, to commit the party to prison in the Civil Jail until he shall do what has been required of him.

V. And it is hereby enacted, that, whenever it shall appear to the Magistrate that the period for which the party should be bound to keep the peace with or without additional security ought to exceed the period of one year, the Magistrate shall record his opinion to that effect, with an order specifying the amount of recognizance and security, as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizance and security so required, the proceedings shall be laid before the Sessions Judge, who, after examining them, and calling for any further information which he may think necessary, shall pass orders on the case, confirming, modifying,

or annulling the orders of the Magistrate, and if the orders so passed by the Sessions Judge confirm to any extent the requisition for recognizance or securities, the Sessions Judge shall direct the Magistrate to commit the party to prison in the Civil Jail until he shall do what has been required of him.

VI. Provided always, and it is hereby enacted, that no party shall be kept in prison under the foregoing provisions of this Act for a longer period than that for which the recognizance and securities have been required from him.

VII. And it is hereby enacted, that the Provisions contained in Sections 5, 6 and 7, of Regulation VIII, of 1818, of the Bengal Code, shall be applicable to all persons confined under the foregoing provisions of this Act, and to all sureties who shall have given security under this Act.

VIII. And it is hereby enacted, that, whenever it may be proved before the Magistrate that any such recognizance has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

IX. And it is hereby enacted, that, whenever it may be proved before the Magistrate that any such recognizance has been forfeited, if a security bond shall have been taken and the Magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid, and if no sufficient cause shall be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement by order of the Magistrate in the Civil Jail of the station during a period not exceeding six months.

X. And it is hereby enacted, that all sentences and orders passed under this Act shall be appealable, subject to the general provisions which regulate appeals.

XI. And it is hereby enacted, that in the territories subject to the Presidency of Bengal all Mochulkas and Security Bonds, which by force of any Act or Regulation may be taken by Criminal Courts of the East India Company, or by Zillah or City Magistrates or Joint Magistrates for keeping the peace or for good behaviour, may be enforced in the manner prescribed by Sections VIII. and IX. of this Act.

FORM OF MOCHULKA.

Whereas I

inhabitant of have been called

upon to enter into a Mochulka to keep the peace for the term of

I hereby bind myself not to commit any act that can occasion a breach of the peace during the said term, and in case of my making default therein, I bind myself to forfeit to Government the sum of Rupees
Dated

FORM OF SECURITY.

Whereas inhabitant of has been called upon to give security to keep the peace for the term of
I hereby declare myself surety for the said
that he shall not commit any act that can occasion a breach of the peace during the said term. And in case of his making default therein I hereby bind myself to forfeit to Government the sum of Rupees
Dated

Act No. VIII. of 1848.

Passed on the 25th March 1848.

To modify the provisions of Sections 9, 10, 11, and 13. of Regulation V. 1812, of the Bengal Code.

It is hereby enacted in modification of the provisions of Sections 9, 10, 11 and 13, of Regulation V. 1812, of the Bengal Code, that if any ryot or tenant of land, upon whom such notice or demand as is specified in the said Sections is to be served, shall have no place of usual residence in the Zillah where the land to which such notice or demand has reference is situate, the mode of serving such notice or demand with a jumma wasil bakee shall be by affixing it at the Mal Cutcherry of such land, or other conspicuous place thereon, or at the village Chouree, Choupal, or other conspicuous place in the village.

Act No. IX. of 1848.

Passed on the 25th March 1848.

An Act to repeal Acts No. XII of 1839 and No. XII of 1840, and to raise funds for Police and Municipal purposes throughout the Settlement of Prince of Wales' Island, Singapore, and Malacca, and the dependencies and places subordinate or annexed thereto, by levying an assessment upon the rents, produce and income derived from Buildings and Lands within the said Settlement, and by taxing Carriages, Waggons, Carts, Horses and Mules kept or used within the same.

I. It is hereby enacted, that from and after the First day of January 1849, Act No. XII. of 1839 and Act No. XII. of 1840 are repealed.

II. And it is hereby enacted, that from the said First day of January 1849, an assessment, at a rate not exceeding ten per cent., to be fixed from time to time as he shall think fit by the Chief Civil Authority within the incorporated Settlement of Prince of Wales' Island, Singapore, and Malacca, shall be levied every half year in advance on the actual or estimated rents of all Houses, Shops, and other Buildings situated within the said Settlement, and the dependencies and places now or hereafter to be subordinate or annexed thereto, to be paid by the Tenant or Tenants, or Occupier or Occupiers of such Houses, Shops, and other Buildings at the time of such assessment. Provided always, that the several Houses or Buildings specified in Schedule A. hereunto annexed, shall be exempted from assessment under this Act.

III. And it is hereby enacted, that from and after the day aforesaid, an assessment, at a rate not exceeding five per cent., to be fixed from time to time as he shall see fit by the said Chief Civil Authority, shall be levied half-yearly or annually upon the actual rent or upon the value of the net produce derived from all lands situated in the said Settlement, dependencies and places, held, possessed, or used for purposes of agriculture or cultivation of any description whatsoever. Provided always, that no assessment shall be charged on any rent paid as quit rent to the East India Company for lands held under leases or other titles from the said Company, and that the produce of lands of less extent than three (3) acres used for the cultivation of Paddy, Siri, or Vegetables, and lands of which the annual net produce shall be less than Ten Spanish Dollars, if it shall be the sole assessable property of any one or more persons, shall be exempted from the payment of any assessment under this Act.

IV. And it is hereby enacted, that, in order to ascertain the value of the net produce of any such lands for any one year or half-year for the purpose of levying such assessment, the amount of outlay actually paid and expended during that particular period in and upon the lands yielding such produce, and in the manufacture of any such produce (not including either the purchase money of such lands, or the original outlay thereon, or the cost or purchase money of any articles of Machinery used or employed, or of any Buildings erected thereon,) shall be deducted from the estimated value, at the then local current rate, of the gross quantity or amount of produce, whether manufactured or otherwise derived from such lands, and that upon the overplus or net balance value so ascertained, the said assessment shall be levied and paid.

V. And it is hereby enacted, that, in order to facilitate the collecting of assessment on lands in manner specified in Section IV. of this Act, it shall and may be lawful for the Collector, or other Officer appointed in manner hereinafter mentioned to collect the same at each of the said Stations of Prince of Wales' Island, Singapore, and Malacca, and the dependencies and places aforesaid, to require the

Owner, Occupier, Agent, Superintendent or other person in charge of any such lands to furnish him, either annually or half-yearly, in writing under his or their hand or hands, with a true and detailed statement of the gross and actual quantity and amount of produce of what nature and kind soever yielded by the said land, or manufactured therefrom, during either of the said periods, and likewise a true and detailed statement of the amount of actual outlay paid and expended in the cultivation of the said land, and in the preparation or manufacture of the produce thereof during the like periods, which said statements shall be verified by oath or affirmation to be made by such person or persons before one of Her Majesty's Justices of the Peace at such Station (who is hereby authorized and required to administer the same) if thereto required by the said Collector or other Officer as aforesaid. And any person or persons who shall refuse to make such oath or affirmation, or who shall refuse to furnish such statement, shall, on conviction thereof before the Court of Quarter Session at such Station, be liable to pay a fine not exceeding Two Hundred Spanish Dollars, and in default of payment thereof to be imprisoned for a term not exceeding two months.

VI. And it is hereby enacted, that from and after the day aforesaid a tax shall be levied half-yearly in advance on all Carriages, Waggons, Carts, Horses, Mules and Elephants, in use or kept within the said settlement, dependencies, and places, to be charged on the Owner or Owners, or, where the Owner is absent or cannot be ascertained, on the person or persons in charge thereof, at the following rates, that is to say :—

On every four or three-wheeled Carriage, per annum,.....	10	Sp. Drs.
On every two-wheeled Carriage, per annum, ...	8	„
On every Waggon drawn by man or beast, per annum, ...	8	„
On every Cart drawn by any description of Cattle, per annum,...	6	„
On every Cart drawn by man, per annum, ...	4	„
On every Horse or Mule, per annum, ...	2	„
On every Elephant, per annum.	12	„

and that, if the payment of any such tax shall not be duly made, it shall be lawful for any Justice of the Peace, upon being satisfied that due diligence has been used to obtain payment, to issue his Warrant for levying the amount of such tax by seizing and selling the Goods and Chattels of the person or persons so charged with the payment of such tax, and so making default. Provided always, that the several vehicles and animals, specified in Schedule B. hereunto annexed, shall be exempted from the payment of any tax under this Act.

VII. And it is hereby enacted, that the Chief Civil Authority of the said Settlement shall have power to appoint a Collector or Collectors, or such other Officer

or Officers as may be deemed requisite for the collection of the assessment and taxes leviable under this Act at the several Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places subordinate or annexed thereto respectively.

VIII. And it is hereby enacted, that, in any case where payment shall not be duly made of any assessment charged and demanded under authority of this Act, the Collector, or other Officer appointed to collect the same, shall certify in writing such non-payment to any Justice of the Peace, who, if he shall be satisfied that due diligence has been used to obtain payment, and that the same has been improperly withheld, shall issue his Warrant for levying the amount of such assessment, by seizure and sale of any Goods and Chattels and growing crops whatsoever, and to whomsoever belonging, in or upon the Houses, Shops, or other Buildings, or in or upon the lands respectively charged, and the overplus, if any, after deducting the expenses of such seizure and sale, shall be paid to thr Owner or Owners of the Goods, Chattels, or growing crops so seized and sold, or to the person or persons in whose possession the same may have been found.

IX. And it is hereby enacted, that it shall be competent for the Collector or other Officer appointed to collect the aforesaid assessment and taxes at the said Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, in lieu of proceeding against defaulters by Warrant of Distress as aforesaid, to sue in his name for the recovery of any arrears through any Court of Justice to which such defaulters shall or may be amenable.

X. And it is hereby enacted, that the Court of Quarter Session of the said Settlement shall have power to hear and determine, in such manner as to the said Court shall seem just, all appeals by parties who may feel themselves aggrieved by, or who may have any reason to object to any demand for payment of any assessment or tax leviable under this Act, whether on the ground of surcharge or otherwise. Provided always, that before any application for any such appeal shall be entertained by the said Court, the party or parties making the same shall first pay the amount of the assessment or tax charged, and at the time of such payment give notice in writing of his or their intention to appeal to the Collector or other Officer by whom such assessment or tax may have been demanded.

XI. And it is hereby enacted, that no appeal shall be allowed by the said Court of Quarter Session, unless the same shall have been made and prosecuted within three months from the time of payment of the amount of assessment or tax demanded, and delivery of such notice to the Collector or other Officer aforesaid.

XII. And it is hereby enacted that the monies collected from the assessment and taxes leviable under this Act at the said several Stations of Prince of Wales'

Island, Singapore and Malacca, and the dependencies and places aforesaid, shall be called the "Municipal Fund," and that the same, or so much thereof as shall be required, shall be applied in manner hereinafter mentioned towards the payment and maintenance of an efficient Police and of an Establishment for the collection of the said assessment and taxes at each of the said stations, dependencies, and places; and also towards the efficient watching, repairing, renewing, cleansing, draining, and keeping in repair the public Roads and Streets, and all other public thoroughfares in Town and Country at each of the said stations, dependencies, and places; and also towards the repairing, renewing, building, re-building, cleansing, and securely upholding all public Bridges, Jetties, Quays, Aqueducts, Canals, Sluices, Sewers, and Sluice-gates made for or in the occupation or use of the public at the said stations, dependencies and places, either made, commenced, or hereafter to be made; and also towards the lighting of the said public Streets and Bridges, and to the effecting of other purposes necessary for the comfort and protection of the inhabitants of the said Settlement, dependencies, and places. Provided always, that all Roads, Streets, and Bridges leading to and terminating at any Government House and other Building belonging to Government, or any Military Post, Barracks, or Cantonment, or any Hospital, Poor House, Sailors' Home, or other Benevolent or Charitable Institution under the patronage of Government, or any place of Public Worship, shall be deemed to be Public Roads, Streets and Bridges within the meaning of this Act.

XIII. And whereas it is desirable that a certain number of the Rate-payers of the said Settlement should from time to time be appointed to assist the Government in the management of the said Municipal Fund, as well as in the performance of other Municipal acts hereinafter mentioned: It is hereby enacted, that it shall be lawful for the Chief Civil Authority of the said Settlement for the time being, from time to time, to nominate and appoint at each of the said Stations of Prince of Wales' Island, Singapore, and Malacca, a Municipal Committee, to consist of five resident Rate-payers, of whom two shall be Officers of the local Government, and in case it shall be found impracticable, from refusal to act, to obtain at either of the said Stations a sufficient number of unofficial persons to compose such Committee, it shall be competent for the said Chief Civil Authority to nominate and appoint a Committee of three resident Rate-payers instead of five; and that it shall be competent for the said Municipal Committee, in conjunction with the said Chief Civil Authority, and under and in conformity with such orders and instructions as may from time to time be issued by the Governor of Bengal, to make order for the performance of the several objects and purposes specified and contained in Section XII. of this Act, for which provision is thereby directed to be made out of the said Municipal Fund; and to authorize and sanction the payment and disbursement of all Bills and Charges for the same. Provided, nevertheless, that it shall be competent for

the said Chief Civil Authority at any time, if he shall think fit, to refer any matter or thing whatsoever herein to be done and performed for the sanction or instructions of the Governor of Bengal, accompanied by the opinion or observations thereon of the said Municipal Committee, and that nothing in this Act contained shall be construed to affect any of the provisions of Act No. III. of 1847.

XIV. And it is hereby enacted, that the said Municipal Committee shall have power to make Rules and Regulations, subject to the approval of the said Chief Civil Authority, for more fully and effectually carrying out and performing the objects and purposes specified in Sections XII. and XIII. of this Act, and to alter or amend the same from time to time as may be necessary, subject to the like approval.

XV. And it is hereby enacted, that as soon after the 1st day of January in every year as may be practicable, the Collector or other Officer appointed to collect the assessment and taxes under this Act at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, shall prepare a detailed statement of the said Municipal Fund, exhibiting the sums collected under the respective heads of assessment, taxes or otherwise during the preceding year, and showing also the disbursements which have been made during the same period, and that the said statement shall be published at the Station to which it relates in a Newspaper, and if such Station shall have no Newspaper, then the publication shall be made in some Newspaper at any of the other Stations; and the said statement shall also be open to general inspection at the office of such Collector or other Officer for a period of one month from the date of its publication.

XVI. And it is hereby enacted, that the Officer superintending the Police at each of the said Stations of Prince of Wales' Island, Singapore, and Malacca, shall, between the 1st and 15th day of January in every year, require the Owners of all Palanquin Carriages, Carts and other Vehicles, kept in such Station for the purpose of being let to hire for the conveyance of passengers or goods, to enter such Palanquin Carriages, Carts, and other Vehicles, in a Register to be kept for that purpose at the Police Office of such Station. And every Owner of a Palanquin Carriage, Cart, or other Vehicle subject to such registration, who shall omit or refuse to enter such Vehicle at the Police Office in manner aforesaid, shall, on conviction before a Justice of the Peace, pay for each offence a fine not exceeding Twenty Spanish Dollars, with costs of prosecution, to be recoverable on non-payment by Warrant of Distress and Sale under the hand of the convicting Justice of the Peace, and the overplus, if any, of the Goods and Chattels sold shall be paid to such Owner or Owners.

XVII. And it is hereby enacted, that every Owner of a registered Palanquin Carriage, Cart or other Vehicle, who shall neglect to place in a conspicuous part of

such Vehicle a numbered board, which shall be furnished to him by the Registering Officer, shall, on conviction before a Justice of the Peace, pay a fine not exceeding Five Spanish Dollars for each offence, to be recovered in manner specified in the last foregoing Section.

XVIII. And it is hereby enacted, that all Quarter Session and Police fees, fines, poundage, and forfeitures imposed, levied, and paid at each of the said Stations of Prince of Wales' Island, Singapore, and Malacca shall be forthwith paid into the said Municipal Fund at such Station, in aid of the several purposes specified in Section XII. of this Act.

XIX. And it is hereby enacted, that no assessment or charge made under authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to assessment or tax, or of any thing chargeable with assessment or tax, or any mistake in the amount of assessment or tax charged, provided the directions of this Act be in substance and effect complied with; and that no proceedings or other matter or thing had or done under this Act shall be quashed or set aside for want of form in any Court or Courts of Justice.

SCHEDULE A.

Referred to in Section II. of this Act.

To be exempted from the payment of Assessment.

PUBLIC BUILDINGS.

Hospitals, Poor Houses, Places of Worship, Charitable and Benevolent Institutions and Schools not used as Private Dwelling Houses, Convict Lines, Jails, Barracks or Lines for Soldiers, Police Offices, and Thannahs.

PRIVATE BUILDINGS.

Mills, Drying and Boiling Houses, Out Offices and Laborers' Huts belonging and attached to Estates and Plantations; and any Dwelling House, Shop, or other Building which shall not have been used or occupied for more than three months in any one year; and any Attap Huts or Sheds belonging and attached exclusively to Vegetable Gardens and Paddy Fields consisting of not more than five acres, and any House or Building of which the annual value or rent shall be less than Six Spanish Dollars, if it shall be the sole assessable property of the person or persons charged therewith.

SCHEDULE B.

Referred to in Section VI. of this Act.

To be exempted from the payment of Taxes.

Waggons and Carts bearing the Owner's name painted in large letters on some conspicuous part of each, and not used on the public highway.

Waggons and Carts being the *bonâ fide* property of Government, and used in the public service.

Hearses kept exclusively for the Dead.

Elephants kept exclusively within Estates or Plantations, and not brought or used upon the public Roads or Bridges.

ACT No. XI. OF 1848.

Passed on the 20th May 1848.

AN ACT for the punishment of wandering gangs of Thieves and Robbers.

Whereas it is expedient to extend some of the Provisions of the Law for the conviction of Thugs and Dacoits to other gangs of Thieves and Robbers; It is enacted as follows :—

I. Whosoever shall be proved to have belonged, either before or after the passing of this Act, to any wandering gang of persons associated for the purposes of theft or robbery, not being a gang of Thugs or Dacoits, shall be punished with imprisonment with hard labor for any term not exceeding seven years.

II. Any person accused of the offence of belonging to any such gang as aforesaid, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by any such gang, may be committed by any Magistrate within the territories of the East India Company, and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. No Court shall on the trial of any offence under this Act require any Futwa from any Law Officer.

Act No. XIX. of 1848.

Passed on the 2nd September 1848.

For better defining the Law as to revision of the sentences of Subordinate Criminal Courts in the Presidencies of Bengal and Madras.

Whereas it has been doubted how far Section V, Regulation IX. 1831, of the Bengal Code is repealed by Act XXXI. 1841, and what power the Foujdaree Adawlut at Madras has under Section XXXV. Act VII. 1843;—It is enacted as follows:—

I. So much of Section V, Regulation IX. 1831, of the Bengal Code, as is now in force, and also Section XXXV. Act VII. 1843, are repealed.

II. The Nizamut Adawlut in the Presidency of Bengal and Foujdaree Adawlut in the Presidency of Madras, in any case in which it shall appear to either of them, upon a review of the Abstract Statements or Calendars of prisoners punished without reference, that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the Abstract Statement or Calendar shall annul the sentence, and shall certify to the subordinate Court the sentence or sentences which may lawfully be passed for such offence, and thereupon the subordinate Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

III. The said Nizamut Adawlut or Foujdaree Adawlut, in any case in which it shall appear to either of them, upon a review of the Abstract Statements or Calendars of prisoners punished without reference, that the verdict or judgment pronounced on any prisoner was not warranted by the evidence, or that his sentence was too severe, may, if it thinks fit, require the Judge of the Court in which the conviction was had, to certify under his hand all the evidence taken in the case affecting such prisoners, with any observations which the Judge may be desirous of making in explanation of the verdict, judgment, or sentence; and thereupon the Nizamut Adawlut, or Foujdaree Adawlut, as the case may be, may annul such verdict, judgment, and sentence, if the verdict or judgment shall appear to it not warranted by the evidence, or mitigate the sentence, if it shall appear too severe; and in either case shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Nizamut Adawlut, or Foujdaree Adawlut, and, if necessary, amend the record in accordance therewith.

IV. Instead of proceeding under this Act, the said Nizamut Adawlut or Foujdaree Adawlut may, whenever it thinks fit, call for the whole record of any criminal trial in any subordinate Court, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the subordinate Court.

Act No. XXIII. of 1848.

Passed on the 10th October 1848.

An Act to amend a Clerical Error in Act No. XXV. of 1840.

For remedy of a Clerical Error in Act No. XXV. of 1840; It is enacted as follows:—

I. Any person guilty of the offence punishable under Section VII. of Act XXV. of 1840, shall be liable to the punishment therein provided for such offence, on conviction thereof before any Magistrate.

Act No. XXIV. of 1848.

Passed on the 10th October 1848.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

Whereas it is expedient that the Governor General should visit the North-Western Provinces and other parts of India unaccompanied by any Member of the Council of India, It is enacted as follows:—

I. During the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council, during the absence of the Governor General, and except the power of making Laws and Regulations.

II. This Act shall commence from the day on which it shall be notified, by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

Act No. IV. of 1849.

Passed on the 10th February, 1849.

An Act for the Safe Custody of Criminal Lunatics.

Whereas it is expedient to declare what unsoundness of mind excuses the commission of criminal acts, and to provide for the safe custody of persons found to have committed such acts, but acquitted by reason of unsoundness of mind; It is enacted as follows:—

I. No person, who does an act which, if done by a person of sound mind, is an offence, shall be acquitted of such offence for unsoundness of mind, unless the Court or Jury, as the case may be, in which according to the constitution of the Court

the power of conviction or acquittal is vested, shall find that, by reason of unsoundness of mind not wilfully caused by himself, he was unconscious and incapable of knowing, at the time of doing the said act, that he was doing an act forbidden by the law of the land.

II. Whenever a person charged with any offence shall be acquitted because he is within the exception made by the foregoing Section, the Court or Jury shall give a special judgment or verdict, that he did the act charged against him, being then of unsound mind so as to excuse him according to law.

III. Whenever such special judgment or verdict as aforesaid shall have been given against any person, the Court before which the trial was had shall order him to be kept in safe custody, in such place and manner as to the Court shall seem fit, until the pleasure of the Government can be known thereon: and thereupon the Government may order such person to be kept in strict custody, for such time and in such manner as to the Government shall seem fit.

IV. In all cases in which, before the passing of this Act, any person has been acquitted of any offence, on the ground of insanity, lunacy, idiocy, or unsoundness of mind, such person may be kept in the same strict custody in which persons may be kept, who shall be hereafter acquitted for unsoundness of mind.

V. No person, against whom any such special judgment or verdict shall have been given, shall be entitled to be discharged out of custody, on being restored to soundness of mind, unless by order and at the discretion of the Government.

VI. Whenever it shall appear to the Government that any person, imprisoned by the sentence of any Court, is of unsound mind, the Government, by a Warrant which shall set forth the grounds of belief that such prisoner is of unsound mind, may order the removal of such prisoner to a Lunatic Asylum or other fit place of safe custody, there to be kept and treated as the Government shall order; and when it shall appear to the Government that such prisoner has become of sound mind, the Government, by a Warrant directed to the person having charge of him, shall remand such prisoner to the prison from which he was removed, if then still liable to be kept in custody, or, if not, shall order him to be discharged out of custody.

VII. The word "Government" in this Act shall be taken to mean the Governor or Governor in Council, or other person or persons administering the Government of the Presidency or place where the trial is had.

Act No. VII. of 1849.

Passed on the 7th April 1849.

An Act for the appointment of an Administrator General in Bengal.

Whereas it is expedient to disconnect the administration of the Estates of British Subjects dying intestate in the Presidency of Fort William in Bengal, from the Office of Ecclesiastical Registrar of the Supreme Court, and to appoint an Administrator General there; It is enacted as follows:—

I. Whenever, after the passing of this Act, any British Subject shall die intestate within the Presidency of Fort William in Bengal or the territories which are or shall be subordinate to the said Presidency, and on the return of the citation issued from the proper Ecclesiastical Court no next of Kin shall appear and make out their claim to the Administration of the effects of the deceased, to the satisfaction of the said Court and also, whenever the Executor or Executors, appointed by the Will of any British Subject dying therein, shall refuse to prove the Will, the Administrator General created by this Act shall, except in the case hereinafter excepted, apply for, and the said Court shall grant to him, instead of the Ecclesiastical Registrar, such Letters of Administration or *ad colligenda bona* as to such Court shall seem meet; by virtue whereof the said Administrator General shall collect the assets of the deceased, and account for them as herein provided.

II. All Letters of Administration or *ad colligenda bona*, granted to the Ecclesiastical Registrar of the Supreme Court,—and all Probates of Wills, granted to such Officer, appointing the Ecclesiastical Registrar of the Supreme Court, by that description, or him and his successors, Executors thereof,—and all Estates, Effects, and Interests, vested in the said Ecclesiastical Registrar by virtue thereof; and all books, papers, and documents belonging to him, or in his possession or under his control by virtue of such Letters or Probates, shall, by this Act and without other grant, be transferred to the Administrator General by this Act created; who shall be to all intents and purposes such Administrator, Executor, or Grantee, in his new character of Administrator General, as the Ecclesiastical Registrar of the Supreme Court was; and shall have all the same powers as the said Ecclesiastical Registrar might exercise at the time of the passing of this Act as such Administrator, Executor or Grantee.

III. The Ecclesiastical Registrar, at the time of the passing of this Act, shall be the first Administrator General, and upon the passing of this Act shall cease to be Ecclesiastical Registrar; and, as such Administrator General, shall be entitled to receive or retain all Commissions to which he was entitled as Ecclesiastical Registrar at the time of the passing of this Act, on any such grants as aforesaid.

IV. On all future vacancies of the Office, the Administrator General shall be appointed by the Governor General of India in Council.

V. After the passing of this Act, the Administrator General shall not be deemed, in that capacity, an officer of the said Supreme Court, and shall not be otherwise accountable to it than any ordinary Executor, Administrator, or Grantee of letters *ad colligenda bona*, as the case may be.

VI. Every Administrator General shall give security by bond to the East India Company, himself for One Lakh of Rupees, with two or more Sureties, jointly and severally, for another Lakh of Rupees for the due execution of his said Office, and shall not be required by the said Supreme Court to enter into any Administration Bond, or to give other security to that Court on the grant of any such Letters as aforesaid.

VII. The Administrator General shall receive, for the discharge of his duties as such Administrator General, under all such grants of Letters as aforesaid made after the passing of this Act, or on Probates of Wills, so granted, after the passing of this Act, wherein he is named Executor, by virtue of his Office,—instead of the commission heretofore received by the Ecclesiastical Registrar, a commission calculated after the rate of Three Rupees in every Hundred Rupees which he shall actually distribute, or which he shall set apart and invest as herein provided for the benefit of the parties ultimately entitled thereto, if the same are not immediately payable; and out of the said commission of Three Rupees in the Hundred, shall defray the expenses of the necessary establishment, and all other charges, to which the said Office may be subject.

VIII. No person, other than the Administrator General shall be entitled to charge any commission or agency, as Executor of any Will of which Probate shall have been granted in the said Presidency after the passing of this Act, or as Administrator of any Effects whereof Administration shall have been granted in the said Presidency after the passing of this Act; but this enactment is not to be deemed to hinder any Executor from having the benefit of any legacy bequeathed to him, either of a specific sum or residuary bequest, or by way of commission, or in any other manner.

IX. The assets belonging to the estates administered by the said Administrator General shall be kept by him in the Treasury of the East India Company, or otherewise kept and invested by him, in such manner as the Governor General of India in Council shall from time to time order; which order shall be published in the *Calcutta Gazette* and shall be full authority, protection, and indemnity in all Courts whatsoever for such keeping and investing.

X. The said Administrator General shall enter in books, to be kept by him for that purpose, separate and distinct accounts of each Estate, and of all such sums

of money, Bonds and other Securities for money, Goods, Effects, and things as shall come to his hands, or to the hands of any person employed by him, or in trust for him under this Act; and likewise of all payments made by him on account of the said Estates, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively; which said books shall be kept in the Administrator General's Office, and shall be open for the inspection of all such persons, practitioners in the said Court and others, as may have occasion to inspect the same, at office hours; paying only such reasonable fee as may be, from time to time, fixed therefore, by the Governor General of India in Council, and published in the *Calcutta Gazette.*

XI. The Administrator General shall, twice in every year, that is, on the First day of March and on the Tenth day of August, or on the First day on which the said Court shall be sitting after those days, exhibit and deliver in open Court a true Schedule, showing the gross amount of all sums of money received or paid by him, on account of each Estate in his charge, and the balances, during the period of six months ending severally on the Thirty-first day of December and Thirtieth day of June next before the day of delivering such Schedule: and a true list of all Bonds or other Securities received on account of each of the said Estates during the same period; and also a true Schedule of all Adminstrations whereof the final balances shall have been paid over to the persons entitled to the same, during the same period,—specifying the amount of such balances, and the persons to whom paid; which Schedules shall be filed of record in the said Court, and shall, within fourteen days afterwards, be published in the *Calcutta Gazette* by the said Administrator General: and copies thereof in triplicate shall be delivered to the Secretary of the said Presidency, and sent by the Governor of the said Presidency to the Court of Directors of the East India Company, for publication in the *London Gazette.*

XII. The Governor General of India in Council shall from time to time appoint an Auditor or Auditors to examine the accounts of the Administrator General at the time of the delivery of the said Schedules, and also at any other time when the Governor General of India in Council shall think fit.

XIII. The Auditor or Auditors shall examine the Schedules and accounts, and report to the said Governor General of India in Council whether they contain a full and true account of every thing which ought to be inserted therein, and whether the Books, by this Act directed to be kept by the Administrator General, are duly and regularly kept, and whether the Assets are duly kept and invested in such manner as is by law prescribed.

XIV. Every Auditor shall have power to summon as well the Administrator General as any other person or persons whose presence he may think necessary, to

attend him from time to time; and to examine the Administrator General or other party or parties if he shall think fit, on oath or solemn affirmation to be by him administered; and to call for all Books, Papers, and Documents which may appear to him to be necessary for the purposes of the said reference: and if the Administrator General, or other person or persons when summoned, shall refuse, or without reasonable cause neglect to attend, or to produce any Books, Papers, or Documents required, or shall attend and refuse to be sworn or make a solemn affirmation, when by law an affirmation may be substituted for an oath, or shall refuse to be examined, the Auditor or Auditors shall certify such neglect or refusal in writing to the Supreme Court of Judicature at Fort William in Bengal; and every person so refusing or neglecting shall thereupon be punishable, in like manner as if such refusal or neglect had been in contempt of the said Supreme Court.

XV. The costs and expenses of preparing and publishing the said Schedules and copies thereof, and of every such reference and examination, shall be defrayed proportionably by all the Estates, the accounts of which are then under examination, which costs and proportions shall be ascertained and settled by the Auditor or Auditors, subject to the approval of the Governor General of India in Council, and shall be paid out of the said Estates, accordingly, by the Administrator General.

XVI. If upon any such reference and examination, the Auditor or Auditors shall see reason to believe that the said Schedules do not contain a true and correct account of the matters therein, or which ought to be therein contained, he or they shall report accordingly to the Governor General of India in Council, specifying the substance of the objections thereto.

XVII. The Governor General of India in Council shall refer every such report as last aforesaid to the consideration of the Advocate General of the East India Company in Bengal, who shall thereupon, if he shall think fit, proceed summarily by petition for an account against the said Administrator General, or against the late Administrator General, after his removal from Office, or against his personal representatives in case of his death, in respect of all or any of the Estates then or formerly under his care, as the said Advocate General shall think fit; and shall have power to exhibit interrogatories to the said Administrator General, or other person or persons, defendants, who shall be bound to answer the same as fully as if the same had been contained in a Bill filed for the like purpose; and the Court shall have power, on any such petition filed, to examine orally the parties before it, and all witnesses, or to refer the accounts to be taken in the ordinary way.

XVIII. The costs of the reference and examination and those of the Advocate General, when such are directed to be paid, shall be defrayed either by the defendant or defendants, in case he or they shall be decreed to pay the costs, or out of the

Estates rateably as the said Court shall direct; and whenever the costs of any reference and examination shall be recovered from the defendant or defendants, the same shall be repaid to the Estates by which the same were in the first instance contributed; and the Court shall have power to order the Administrator General, or other person or persons, defendants, to receive his or her costs out of the said Estates if it shall think fit.

XIX. The said Court shall have power on such petition to make such original and subsequent orders as upon a Bill filed; and such Orders shall have the same effect, and be executed in the same manner as Decretal Orders.

XX. Whenever any British subject shall die within the said Presidency intestate, and Letters of Administration to his or her Effects shall not be taken out for three months after the death, and the Administrator General shall be satisfied that such Effects do not exceed in the whole Five Hundred Rupees, he may, if he shall think fit, grant,—to any person claiming to be entitled to a principal share of the effects of the deceased,—Certificates under his hand entitling the claimant to receive the sums or securities for money therein severally mentioned belonging to the Effects of the deceased, to the value of any sum not exceeding in the whole Five Hundred Rupees.

XXI. The Administrator General shall not be bound to grant any such Certificates, unless he is satisfied of the title of claimant and of the value of the Effects of the deceased, either by the oath or affidavit of the claimant, or by such other evidence as he shall require.

XXII. Any such Certificate, with a receipt annexed, under the hand of the person to whom the Certificate is granted, shall be a full receipt and discharge for payment or delivery to him or her of the money or security for money therein mentioned, with respect to the claim of any other person, upon the person paying or delivering the same: but any next of kin or representative, or creditor of the deceased, shall have remedy for recovery thereof against the person receiving the same.

XXIII. The Administrator General shall not be bound to take out Letters of Administration to the effects of any deceased person on account of whose estate he shall grant any such Certificate, but may do so, if he shall discover any fraud or misrepresentation made to him, or that the value of the Estate exceeded Five Hundred Rupees.

XXIV. For every such Certificate the Administrator General shall be entitled to charge a fee calculated after the rate of Three Rupees in the Hundred on the amount mentioned in the Certificate.

XXV. Every person who, having been sworn, or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination

authorized by this Act, shall be deemed guilty of perjury, and if convicted thereof, shall be liable to fine and imprisonment, or to fine or imprisonment, which imprisonment may be at the discretion of the Court, with or without hard labor, and may extend to two years.

Act No. VIII. of 1849.

Passed on the 12th May 1849.

An Act for assimilating the Penal Jurisdiction of Police Magistrates at Madras to that of Justices of the Peace at Calcutta.

Whereas it is expedient to apply the provisions of the Acts No. XXI. 1839 and No. III. 1842, to the Town of Madras; It is enacted as follows:—

I. All powers given by Act No. XXI. 1839, or Act No. III. 1842, to any Justice of the Peace for the Town of Calcutta, for the trial and punishment of certain simple Larcenies and other Felonies within the Town of Calcutta, and of assaults on board of Merchant Ships in the River Hooghly, may be exercised by any Justice of the Peace, appointed to be a Police Magistrate for the Town of Madras, for the trial and punishment of the like Larcenies and Felonies within the Town of Madras, and the like assaults on board of any Merchant Ship in the Madras Roads.

II. In execution of the powers of the said Acts by any Police Magistrate for the Town of Madras, the said Acts shall be read as if the Town of Madras, and Supreme Court of Judicature at Madras, were severally mentioned therein, instead of the Town of Calcutta, and Supreme Court of Justice at Calcutta; and as if the Madras Roads were mentioned therein instead of the River Hooghly or the mouths thereof.

Act No. XI. of 1849.

Passed on the 11th August 1849.

For securing the Abkaree Revenue of Calcutta.

For better securing the Abkaree Revenue of Calcutta; It is enacted as follows:—

XII. It shall not be lawful for the Justices of the Peace for the Town of Calcutta to grant a license to open or establish or keep open any Hotel, Punch House, Boarding House, or any other House of public entertainment, within the Town of Calcutta, in which any spirituous or fermented liquors or intoxicating drugs above specified, may be sold, to any person who has not taken out a license for the retail sale of such liquors and drugs; and any such license, granted by any Justice of the Peace, shall become void, whenever the license for the retail of such liquors and drugs, granted to such person, is withheld or recalled by the Collector under this Act.

ACT No. XIV. OF 1849.

Passed on the 25th August 1849.

To punish tampering with the Army or Navy.

Whereas the Laws in force for punishing mutiny and sedition do not sufficiently provide for the punishment of all persons endeavouring to stir up mutiny and sedition among the forces of the East India Company, or to seduce them from their allegiance and duty; It is enacted as follows:—

I. Every person, who maliciously and advisedly endeavours to seduce any person or persons, serving or engaged to serve in the Military or Naval Force of the East India Company, from his or their allegiance to Her Majesty, or duty to the said Company, or who endeavours to stir up any person or persons belonging to either of the said Services, to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, shall, on conviction, suffer transportation for life, or imprisonment, with or without hard labour, for any term not longer than seven years, as the Court shall adjudge.

II. Any person charged with any offence, punishable under this Act, may be committed by any Magistrate within the territories under the Government of the East India Company, and shall be tried by the Court of Sessions, or if the offender be not within the ordinary jurisdiction of the Court of Sessions, by the Supreme Court of Judicature established by Royal Charter within the Presidency in which he is in custody.

III. No Court shall on the trial of any offence under this Act require any Futwa from any Law Officer.

IV. This Act shall not exempt any person governed by the Articles of War from being tried by a Court Martial, and punished according to the Articles of War, nor any person belonging to the Indian Navy from being tried by a Court Martial, and punished according to the Laws for the observance of discipline in the Indian Navy; but no person shall be tried for the same offence under the said Articles or Laws, and also under this Act.

ACT No. I. OF 1850.

Passed on the 11th January 1850.

For confirming the title to lands in Calcutta taken for public purposes.

Whereas the execution of works of public usefulness in Calcutta is liable to be hindered by the difficulty in making a good title to the land taken for such purpose; It is enacted as follows:—

I. The powers and provisions of the first seven Sections of Regulation I. 1824 of the Bengal Code, shall be applicable to all lands within the Town of Calcutta which

shall have been declared by the Governor of Bengal to be needed for any public purpose: and such declaration shall be conclusive evidence that the purpose for which the lands are needed is a public purpose.

II. In all cases in which payment of any part of the purchase or compensation money is reserved according to the Fifth Clause of Section VI. of the said Regulation, on account of any lands taken for any public purpose under this Act, the Government Securities mentioned in the said Clause shall be deposited with the Government Agent at Fort William in Bengal, in the name and with the privity of the Accountant General of Her Majesty's Supreme Court of Judicature at Fort William, to be placed by him to the credit of the persons interested in such lands, describing them as nearly as may be done according to the course of proceeding in the said Court in matters and causes depending before it in Equity.

III. The said Securities shall remain in the hands of the Government Agent, and the interest accruing thereon shall be, from time to time, received and paid under the order of the said Supreme Court to the person or persons for the time being who would have been entitled to receive the rents and profits of the said lands, if the same had not been taken as aforesaid, until there shall be some person or persons absolutely entitled to receive the principal sum of the monies so reserved, and thereupon the said Government Securities, with all interest then due thereon, shall be transferred and paid to such person or persons under the like order of the said Court, and so long as no person can be found entitled to receive the interest of the said Government Securities, the Government Agent shall continue to receive, and, from time to time, to invest the accumulation of interest due thereon in the purchase of other Government Securities, to be held and applied by him on the same trusts as the Securities first purchased.

Act No. II. of 1850.

Passed on the 11th January 1850.

An Act to amend and extend to Madras and Bombay Act No. VII. 1849.

Whereas it is expedient to make new provisions for regulating the Administration of the Estates of British Subjects, dying intestate in the several Presidencies of Fort St. George and Bombay; It is enacted as follows:—

I. Act No. VII. 1849, shall be extended, and apply to the several Presidencies of Fort St. George and Bombay, subject to the alterations hereafter contained, as if, with reference to each of the said Presidencies such Presidency were named therein instead of Bengal and Fort William in Bengal; and the Governor of such Presidency in Council instead of the Governor General of India in Council, and the Chief Town of such Presidency, instead of Calcutta.

II. The Administrator General at Fort St. George and Bombay respectively, shall not cease to be Ecclesiastical Registrar of the Supreme Court there by virtue of this Act; and the two Offices of Ecclesiastical Registrar and Administrator General may be held at Fort St. George or Bombay respectively, by the same person.

III. The altered rate of Commission, receivable by the Administrator General at Fort St. George and Bombay respectively, under Act VII. 1849 and this Act shall not take effect until such alteration shall be directed by the Governor of Fort St. George and Bombay in Council respectively, until which several times the same rate of commission may be lawfully taken there by the Administrator General as might have been taken by the Ecclesiastical Registrar before the passing of this Act.

IV. It is and is declared to be a misdemeanour, punishable by fine and imprisonment, for any Administrator General, in any of the Presidencies of Fort William in Bengal, Fort St. George and Bombay, to trade or traffic for his own benefit, or for the benefit of any other person or persons whomsoever, unless so far as appears to him expedient for the due management of the Estates administered by him, and for the sole benefit of the several persons entitled to the proceeds of such Estates respectively, but this exception is not to be construed to alter the Civil liabilities of the Administrator General as Trustee for the Estates administered by him.

ACT No. III. OF 1850.

Passed on the 11th January 1850.

AN ACT for amending the Law concerning the jurisdiction of the Courts of Sudder Ameens and District Moonsiffs, in the Presidency of Fort St. George.

In modification of Section II. of Act XI. 1836; It is enacted as follows:—

I. After the passing of this Act, no person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever exempt from the jurisdiction of the Courts of the Sudder Ameens and District Moonsiffs, in the territories subject to the Presidency of Fort St. George.

ACT No. IV. OF 1850.

Passed on the 15th February 1850.

For the amendment of Procedure in Cases of appeal to the Sudder Court.

Whereas inconvenience has resulted from the rule allowing petitions of Appeal to the Sudder Dewanny Adawlut from judgments of Principal Sudder Ameens, or of the Judges of the Zillah or City Courts, to be presented either in the Sudder Court, or in the Court in which the decision was passed, and from the rule allowing the specific objections to the judgment and detailed grounds and reasons for pre-

ferring the Appeal to be, at the option of the party, either stated in the original petition of Appeal, or afterwards filed in the Court trying the Appeal, as a separate pleading; It is enacted as follows, in modification of Section X., Regulation VI., 1793, Section III., Regulation XII., 1797, and Section VIII., Regulation XXVI., 1814, of the Bengal Code.

I. Every petition of Regular Appeal, in a case appealable to the Sudder Court shall be presented to the Court in which the decision was passed, within six weeks from the day of the decision: such petition of Appeal shall contain only notice that the party, being dissatisfied with the judgment, is desirous of appealing from it.

II. The proceedings held in the cause of Appeal shall be certified to the Sudder Dewanny Adawlut as soon as conveniently may be done; and notice thereof in writing shall be given to the Appellant.

III. Within three months after receipt of such notice, the Appellant shall present to the Sudder Dewanny Adawlut the specific objections to the judgment and detailed reasons for preferring the Appeal; otherwise it shall be dismissed, unless he shall show reasonable cause to the satisfaction of the Sudder Court for his default.

Act No. VI. of 1850.

Passed on the 15th March 1850.

For enabling the Commander-in-Chief to pardon Military Offences.

Whereas the power of pardoning persons under sentence of a Court Martial, for offences which are not punishable by any other authority, may be entrusted to the Commander-in-Chief of the Military Forces in the service of the East India Company in each Presidency, but in all other cases ought to belong only to the Supreme Government; It is enacted as follows:—

I. The Commander-in-Chief of the Military Forces in the service of the East India Company in each Presidency shall have power to pardon any person belonging to the said Forces, convicted by sentence of a Court Martial of any offence against the Articles of War framed for the government of the Native Officers and Soldiers in the Military service of the East India Company, which wherever committed, is not punishable otherwise than by sentence of a Court Martial; or, instead of granting a full pardon to any such person, may remit any part of the punishment awarded for such offence.

II. In such cases, the Commander-in-Chief shall issue a Warrant under his hand, setting forth the offence and a copy of the Warrant or other instrument by which the offender is kept in custody in execution of the sentence, and pardoning or remitting such part of the punishment awarded for the offence as to him shall seem fit.

III. The said Warrant shall be countersigned by the Magistrate of the Zillah or City in which the offender is undergoing his sentence; or, if he is confined in any prison belonging to one of the Supreme Courts of Judicature established by Royal Charter, shall be countersigned by a Judge of such Court, if it shall appear to such Magistrate or Judge that the offence, wherever committed, is not punishable by any authority other than that of a Court Martial; but not otherwise.

IV. All Sheriffs, Gaolers and other persons having custody of any offender under sentence of a Court Martial, shall obey and give effect to any Warrant of the Commander-in-Chief, countersigned by a Magistrate, or Judge of the Supreme Court as aforesaid, for the pardon and release of any offender in their custody respectively, or for the remission of any part of his sentence.

ACT No. VII. OF 1850.

Passed on the 15th March 1850.

AN ACT for better defining the Law as to the removal of Prisoners.

Whereas, by the Regulations in force, prisoners may in certain cases be removed from one prison to another by special order of the Nizamut Adawlut or Fouzdaree Adawlut, and in other cases by the Governor or Governor in Council of the Presidency; and it is expedient that the Government should be empowered to direct such removal, in every case which appears necessary, without application to the Court for a special order; It is enacted as follows:—

I. Act VIII, 1844, is repealed.

II. When any person is under sentence of imprisonment, within the territories under the Government of the East India Company, by any authority other than that of one of the Supreme Courts of Judicature established by Royal Charter, the Governor or Governor in Council, or other person administering the Government of the Presidency or place, may order the removal of such prisoner from the prison or place in which he is confined, to any other public prison or place of confinement within the same Presidency or Government.

III. The time of removal from one prison to another, or while the prisoner is in custody under such warrant of removal, shall reckon as part of his imprisonment.

Act No. VIII. of 1850.

Passed on the 15th March 1850.

An Act to amend the law for enabling Zillah and City Judges and Principal Sudder Ameens, in certain cases of Appeal, to confirm the decision without summoning the Respondent.

Whereas it will lessen the delay and expense of Appeals, if the powers possessed by Zillah and City Judges of confirming decisions on certain Appeals without serving any notice on the Respondents, are extended to Principal Sudder Ameens; It is enacted as follows:—

I. The powers given to Zillah and City Judges, by Clause Third, Section XVI. of Regulation V, 1831 of the Bengal Code, are extended to Principal Sudder Ameens, in all Appeals referred to them.

II. Every Judge and Principal Sudder Ameen who shall confirm any decision under the said Regulation, or this Act, without giving notice to the Respondent, shall record his reasons for rejecting the Appeal.

Act No. XIII. of 1850.

Passed on the 22nd March 1850.

For Punishing Breaches of Trust.

For the punishment of Breaches of Trust; It is enacted as follows:—

I. Every person employed in the public Service of Her Majesty, or of the East India Company, and entrusted, by reason of such employment, with the receipt, custody or control of any chattel, money, or valuable security, who shall embezzle the same or any part thereof, or in any manner fraudulently apply, use or dispose of the same, or any part thereof for any purpose other than a purpose to which the same is applicable under the trust reposed in him, shall be deemed to have feloniously stolen the same.

II. All Official Trustees, Assignees and Receivers of Money, by virtue of their several offices or appointments, all Justices of the Peace, Coroners and other persons, receiving by virtue of their offices or appointments any fines, forfeitures, penalties or other moneys, on behalf of Her Majesty or of the East India Company, all Sheriffs, Under-Sheriffs, Bailiffs, Officers and other persons employed to levy money in execution of the judgment or order of any Court: or in receiving any taxes or other moneys directed to be levied by any Regulation of the Governor or Governor in Council of any Presidency or Place, or by any Act of the Governor General of India in Council, and also all Subordinate Officers and Servants employed in the office or service of any of the persons hereinbefore enumerated, and entrusted with money in

the course of such employment, are declared to be persons employed in the public service within the meaning of this Act; but this special enumeration of some of the persons included in the general description of persons in the public service of Her Majesty or the East India Company, shall not be taken to abridge the meaning of that general description.

III. The Clauses respectivly numbered XCIX, C, CI, CII, CIII and CIV, in an Act of Parliament passed in the ninth year of the Reign of King George the Fourth, intituled, an Act for improving the Administration of Criminal Justice in the East Indies, are repealed, except as to all things done or forborne to be done before the passing of this Act.

IV. Every Clerk or Servant, who shall steal any chattel, money or valuable security, belonging to or in the possession or power of his Master, shall be punishable in the same manner as persons convicted of felonious stealing under this Act.

V. Every Clerk or Servant, or any person employed for the purpose, or in the capacity of a Clerk or Servant, who shall by virtue of such employment, receive or take into his possession any chattel, money or valuable security, for or in the name or on the account of his Master, and who shall fraudulently embezzle the same or any part thereof, shall be deemed to have feloniously stolen the same from his Master, although such chattel, money or security was not received into the possession of his Master, otherwise than by the actual possession of his Clerk, Servant or other person so employed.

VI. Every Member and Officer of a Trading Corporation or Company, and also every Banker, Merchant, Factor, Broker, Attorney or other Agent, whether he be commonly so employed, or be employed as an Agent in that instance only, and whether he act as such Agent gratuitously or otherwise, to whom any chattel, money or valuable security is entrusted for safe custody, or for any special purpose, and whether with or without any authority to sell, negotiate, pledge or employ the same, but with an authority limited to some defined purpose as to the application of such money, chattel or valuable security, or of any part thereof, or of the proceeds or of any part of the proceeds thereof, who shall fraudulently apply, use or dispose of the same or any part of the proceeds thereof, for any purpose other than a purpose for which the same was entrusted to him, shall be deemed to have feloniously stolen the same.

VII. Every Sub-Agent, Clerk or Servant of any such trading Corporation or Company, or of any Banker, Merchant, Factor, Broker or other Agent as aforesaid, who, knowing the purpose for which such chattel, money or valuable security was entrusted to the Corporation, Company, Person or Persons, by whom he is employed, shall fraudulently apply, use or dispose of the same, for any purpose other than a

purpose for which the same was entrusted to his employer or employers, shall be deemed to have feloniously stolen the same though he were not himself immediately employed or entrusted with the disposition thereof by the person entitled thereto.

VIII. Every person, possessed, or having the receipt, custody or control, of any chattel, money or valuable security, in trust for any other person or persons who shall embezzle the same or any part thereof, or in any manner fraudulently apply, use or dispose of the same, for his own use or benefit, in breach of the trust reposed in him, shall be deemed to have feloniously stolen the same.

IX. Every person convicted of having feloniously stolen any chattel, money or valuable security under this Act, shall be liable to be transported out of the territories under the Government of the East India Company for life, or to be imprisoned with or without labour for any term not exceeding seven years.

X. Every instrument entitling or shewing the title of any person to any share or interest in any public stock or fund of any Country or State, or in any stock of any Corporation or Company, or for the transfer of any such share or interest, or for the receipt of any dividend or interest on any such share, or entitling or shewing the title to any deposit in any Bank, and every warrant, order or instrument for the payment of any money on any event, certain or contingent, or for the delivery or receipt of any goods, or merchandize, on any such event, is a valuable security, within the meaning of this Act.

XI. Any offender under this Act may be proceeded against on the same charge for any number of distinct acts of embezzlement or fraudulent application, use or disposition as aforesaid, committed by him within six calendar months, from the first to the last of such acts: and proof of a gross deficiency in the accounts of any such Trustee or Public Servant, shall be evidence of the offence charged, until such deficiency is otherwise explained.

XII. If the offence relates to money or to any Bank Note, Bank Post Bill, Banker's Cheque, Bill of Exchange, Promissory Note, Government Paper or other like security for the payment of money, it shall be enough in the indictment or charge to allege the embezzlement or fraudulent application, use or disposition of money, without specifying any particular coin or valuable security; and such allegation shall, so far as regards the kind of property, be sustained, if the offender is proved to have embezzled or fraudulently applied, used or disposed of any amount of money or any valuable security, though the particular kind of coin or valuable security, of which such amount was composed, shall not be proved.

XIII. It shall not be necessary, in any proceeding against any offender under this Act to declare the person to whom the property embezzled or fraudulently applied or disposed of belongs otherwise than hereinafter provided, or to give any other

description of it than by stating its general character according to the provisions of this Act; and if the offence be that of embezzlement or fraudulent application, use or disposition, by a person in the public service of the Crown, or of the East India Company, of property entrusted to him by reason of such employment, or part thereof, it shall be enough to state that the defendant was in such service, and that he received the property by reason of such employment, and embezzled the same, or part thereof, or fraudulently applied, used or disposed of the same, as the case may be; and, if the case be one of fraudulent application, use or disposition by any person not being such public servant but entrusted as aforesaid, it shall be enough to state that such person was entrusted with the property (describing its general character as aforesaid,) and it shall be enough to state shortly the purpose of the trust, and that he fraudulently applied, used or disposed of the same contrary to his duty in that behalf.

XIV. The Court before which any offender is tried under this Act shall have power upon the trial to make any amendments that may be necessary, by reason of any variance between the statements of the charge and the evidence, either in the description of the property, or of any person, or of any office, appointment or employment, or of the purpose of the trust or otherwise, when in the opinion of the Court the person charged cannot have been misled as to his defence by such imperfect or erroneous statement.

XV. Every offender under this Act may be tried and punished by any Court of competent jurisdiction either in the place where he is in custody, or where he committed the offence.

XVI. The punishment of any offender under this Act shall not be deemed to take away or lessen his liability or the liability of his sureties to make good any losses sustained by Her Majesty or the East India Company, or any other person or persons by his misbehaviour or breach of trust.

XVII. Every person charged with a felonious breach of trust under this Act, who shall be proved to have knowingly made up or furnished false statements or accounts of the sums of money received or paid by him or entrusted to his care, or of the goods or balance of money in his custody or control, shall be liable to fine in the discretion of the Court, although no actual embezzlement or fraudulent application, use or disposition of trust, moneys, chattels or valuable securities is proved against him, and in addition to such fine may be imprisoned, with or without labour, as the Court shall adjudge, for any term not exceeding one year; but no person convicted of felonious breach of trust as aforesaid shall be punished also for making up false accounts in connection with the same breach of trust.

Act No. XIV. of 1850.

Passed on the 22nd March 1850.

An Act for assimilating the Penal Jurisdiction of Police Magistrates at the Straits' Settlements to that of Justices of the Peace at Calcutta.

Whereas it is expedient to apply the provisions of the Acts XXI. 1839 and III. 1842, to the Straits' Settlements, and to remove doubts whether Act. III. 1844, is in force there:—It is declared and enacted as follows:—

I. All powers given by Act XXI. 1839, or Act III. 1842, to any Justice of the Peace for the Town of Calcutta, for the trial and punishment of certain simple larcenies and other felonies within the Town of Calcutta, and of assaults on board of Merchant Ships, in the River Hooghly, may be exercised by any Magistrate or Justice of the Peace of the Settlements of Prince of Wales' Island, Singapore and Malacca, for the trial and punishment of the like larcenies, felonies and assaults within the said Settlements respectively, and the like assaults on board of any Merchant Ship in the Roads belonging to the said Settlements respectively.

II. In execution of the powers of the said Acts, by any Magistrate or Justice of the Peace for any of the said Settlements, the said Acts shall be read, as if the said Settlement and the Recorder's Court there were severally mentioned therein instead of the Town of Calcutta, and Supreme Court of Justice at Calcutta, and as if the said Settlement and the roads thereof were mentioned therein, instead of the River Hooghly, or the mouths thereof, and in construing the said Acts, and this Act, two Rupees shall be deemed equivalent to one Dollar.

III. Act III. 1844 is in force within the said Settlements, and any Magistrate or Justice of the Peace there shall be deemed a Magistrate within the meaning of that Act.

IV. Any Magistrate or Justice of the Peace for any of the said Settlements may punish any person who having been lawfully summoned to give evidence in any Criminal proceeding before any Magistrate or Justice of the Peace for the same Settlement, shall refuse or without reasonable cause neglect to attend and give evidence, by a fine not exceeding One Hundred Rupees to be levied as directed by Act II. 1839.

Act No. XV. of 1850.

Passed on the 4th April 1850.

An Act to extend the operation of Sections X. and XII., Regulation XXVI. 1814 of the Bengal Code.

Whereas it is expedient for the better administration of justice to extend the provisions of Section X., Regulation XXVI. 1814, and make them applicable to Suits instituted in the Courts of the Moonsiffs; It is enacted as follows:—

I. From the passing of this Act, Sections X. and XII., Regulation XXVI. 1814, shall be applicable to all Suits instituted in the Courts of the Moonsiffs, in the Presidency of Fort William in Bengal.

II. The provisions of Act XII. 1843, shall apply to all points which the Court shall record as the points to be established, or on which proof is required by the Court according to Section X., Regulation XXVI. 1814, and to this Act.

Act No. XVI. of 1850.

Passed on the 4th April 1850.

An Act for restitution of the value of Stolen Property.

Whereas it is expedient that the several Criminal Courts within the Territories under the Government of the East India Company be empowered to add the punishment of fine to the punishments already provided for persons convicted before them of certain offences respecting Property, and to apply the same for the benefit of those who have suffered by such offences; It is declared and enacted as follows:—

I. All Criminal Courts within the said Territories may add to the punishment competent to them to inflict upon persons convicted before them of robbery, theft, embezzlement, knowingly receiving stolen goods, cheating or other wrongful appropriation of Property, or of being accessory or privy to any such offence, the punishment of fine, not exceeding the loss appearing to be caused to the several persons, who have suffered by such wrong: and may pay and distribute the proceeds of the said fine or any part thereof, to or for the benefit of the said several persons, according to the discretion of the Court.

II. Payment of every such fine be enforced by distress and sale under the order of the Court, of the goods of the offender.

Act No. XVII. of 1850.

Passed on the 4th April 1850.

An Act for taking land in Bombay and Colaba for public purposes.

For enlarging the powers of Act XXVIII. 1839, for taking any ground within the Islands of Bombay and Colaba, for any new public road or thoroughfare, for the purpose of enabling the Government to take land needed for any railway for the conveyance of goods or passengers within the said Islands, the construction of which may be sanctioned by Parliament or by the Government of India, and for other public purposes; It is enacted as follows:—

1. Sections XV. to XXI., both inclusive, of Act XXVIII. 1839, shall extend to enable the Court of Petty Sessions, with the sanction of the Governor of Bombay in Council, to take any ground or building within the Islands of Bombay and Colaba, which may be needed by the Governor of Bombay in Council for any railway for the conveyance of goods or passengers, the construction of which is or shall be sanctioned by Parliament, or by the Government of India, or for any other purpose which shall be declared to be a purpose of public utility by the said Governor in Council; and thereupon the East India Company shall become and be the legal owners of the said ground or building, and every other person theretofore interested in the premises shall be divested of all right, title and interest to and in the same.

Act No. XXII. of 1850.

Passed on the 13th April 1850.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

Whereas it is expedient that the Governor General should visit the North-Western Provinces and other parts of India, unaccompanied by any Member of the Council of India; It is enacted as follows:—

I. During the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council during the absence of the Governor General, and except the power of making Laws and Regulations.

II. This Act shall commence from the day on which it shall be notified by an order published in the *Official Gazette*, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

Act No. XXIV. of 1850.

Passed on the 8th June 1850.

An Act for better defining the special duty levied on Tobacco in Bombay.

Whereas the Laws in force respecting the special duty payable on Tobacco imported into Bombay are obscure, and require to be explained and amended; It is declared and enacted as follows:—

I. Regulations XXXIII. 1827, and XV. 1828, of the Bombay Code, and so much of Act I. 1838, as relates to the customary, or special duty levied on the import of Tobacco into the Island of Bombay, are rescinded and repealed.

II. All Tobacco imported into the Island of Bombay, either by Sea, or across any of the Causeways, from whatever port or place it is brought, is and shall continue to be liable to the payment of a special duty levied at the rate of Seven Rupees and Eight Annas for the Indian maund, which duty shall be paid over and above the customary duty of One Rupee and Eight Annas, at the option of the importer, either on importation, or, after being warehoused in the Custom House Warehouse, on being delivered out for internal consumption.

III. No drawback of the said duty shall be allowed on exportation, unless the Tobacco has been warehoused in and is exported direct from the Custom House Warehouse; in which case a drawback of the whole of the special duty shall be allowed, if claimed at the time of re-exportation.

IV. This Act shall not be taken to affect the provisions and penalties of any Act or Regulation for enforcing payment of the special duty, which shall continue in force for compelling payment of the duty as declared payable by this Act, and for punishing any evasion of such payment.

Act No. XXVII. of 1850.

Passed on the 21st June 1850.

An Act for the registry of Merchant Seamen.

Whereas it is expedient to form a register of Merchant Seamen; It is enacted as follows:—

I. A General Register Office for Merchant Seamen shall be established, at each of the ports of Calcutta, Madras and Bombay, and at such other ports as the Governor General of India in Council shall hereafter deem necessary.

II. For every such Office there shall be a Registrar, with such Assistants, Clerks and Servants, at such salaries and allowances, and subject to such regulations, as shall be, from time to time, directed, with the approval of the Governor General

of India in Council, by the Governor, or Governor in Council, of the Presidency or place where the office is established.

III. Each Registrar, before enterring on the duties of his Office, shall, with two Sureties, execute a joint and several bond to the East India Company, according to such form as shall be from time to time, approved by the Governor General of India in Council, conditional for the faithful performance of his duty, and for the due application and account of all monies that shall come to him, as such Registrar, under such amount of penalty as shall be, from time to time, fixed by the Governor, or Governor in Council, of the Presidency or place.

IV. Every person not having a Register Ticket from any port in the United Kingdom of Great Britain and Ireland, who intends to serve, (otherwise than as Master or Surgeon), on board of any vessel navigated from a port within the territories under the Government of the East India Company, and registered as a British Vessel under the Statutes of Parliament and Acts of the Governor General of India in Council, in force, for the time being, for the registry of British Vessels, shall be bound to appear at one of the said Register Offices, for the purpose of procuring himself to be registered, and shall be bound to answer truly, to the best of his ability and knowledge, the several questions set forth in the Schedule (A) annexed to this Act, and such other questions as shall be, from time, to time directed by the Governor General of India in Council, and until so registered shall not be allowed, after the First day of August 1850 to serve in any capacity, (other than Master or Surgeon), on board of any such registered Vessel.

V. The Registrar shall be bound to register every Seaman, who shall appear at his office for that purpose, and truly answer the said questions to the best of his ability and knowledge.

VI. The Registrar shall give to every Seaman whom he shall register a Register Ticket, containing as accurate a description as may be, of such Seaman, in such form as shall be, from time to time, approved by the Governor General of India in Council; for which he shall be entitled to take such Fee, not exceeding One Rupee, as shall be, from time to time, allowed by the Governor or Governor in Council; and shall keep recorded in his office a duplicate of every such Register Ticket. The Registrar shall ascertain to the best of his ability, and specify on the Register Ticket, the class or rating of Seafaring persons to which each registered Seaman appears to him to belong; and, from time to time, shall note on any Ticket produced to him for that purpose any superior rating to which the holder of the Ticket appears at that time to be entitled.

VII. Whenever any Seaman shall lose his Register Ticket, he shall apply personally to one of the said Registrars, and shall be bound to answer truly, to the best

of his ability and knowledge, all questions which the Registrar, or one of his Assistants shall put to him, touching the time and manner of the loss; and if it shall appear that no fraud has been committed or intended, the Registrar shall furnish another Ticket to him, upon payment of such Fee, not exceeding Five Rupees, beside the common Fee for the issue of a Register Ticket, as the Registrar shall think fit, under the instructions to be issued to him by the Governor or Governor in Council, having regard to the time and manner of the loss of the former Ticket.

VIII. Whenever any registered Seaman shall be committed to prison, or to any House of Correction, the Court or Justice of the Peace shall cause his Register Ticket to be delivered to the keeper of such Prison or House of Correction, who shall keep it during the term of the Seaman's imprisonment, and at the end of the imprisonment give it to him again; and whenever any registered Seaman shall be sentenced to death or transportation, the person having him in custody shall send his Register Ticket to the Office of the Register by whom it was issued.

IX. The Registrar shall cancel every Registrar Ticket, which shall come again into his possession; and, from time to time, shall make out lists, shewing the number and name upon every Ticket, cancelled during the twelve months then last past, and of every Ticket, which shall have been represented to him to have been lost, and in respect of which he shall have issued another Ticket during the same twelve months; and shall cause such lists to be published in the *Gazette*, in the English and vernacular language of the port, and shall also send them to the Collector of Customs and principal Officer of Police at such Towns or Ports as shall be directed by the Governor or Governor in Council, to be by them respectively exhibited in some conspicuous part of the Custom House and Police Office; and copies of such lists shall be sent to the Master Attendant at every such Port, and shall be delivered to any Master or Owner of a registered Vessel on application, and on payment of a Fee of One Rupee.

X. The Master of any such Vessel shall not at any Port in the said Territories, after the said First day of August, engage or employ, for the purpose of going to sea in his Vessel, any unregistered Seaman, or any Seaman having a cancelled Register Ticket; and shall cause to be delivered to him the Register Ticket of every Seaman, whom he shall so engage at any such part, after the said First day of August, before putting to sea, which Ticket the Master shall keep safely (unless in the cases herein mentioned) until the end of the service of such Seaman with him, and shall then give it back to the Seaman to whom it belongs; and every Master of a Vessel, who shall wilfully offend against this enactment, shall be liable to a penalty, not exceeding One Hundred Rupees, for each Seaman so unlawfully engaged or employed.

XI. Every person applying for a Register Ticket, who shall wilfully give a false answer to any question, which the Registrar or his Assistant is entitled to ask of him, or wilfully make any false statement before the Registrar or his Assistant as to the loss of any Register Ticket, shall be liable to a penalty, not exceeding Fifty Rupees.

XII. Every person, who shall wilfully alter, deface or destroy any Register Ticket, or counterfeit any such Register Ticket, or transfer or traffic in any such Ticket, issued or purporting to be issued under this Act, shall be liable to a penalty not exceeding One Hundred Rupees.

XIII. Every person, who shall become possessed of any Register Ticket, other than that lawfully issued to him, (except Masters of Vessels and others directed to keep any such Tickets by this Act), either by the death of the Seaman to whom it belonged or otherwise, shall forthwith send it to the Registrar of the port whence it was issued, and in default of so doing, shall be liable to a penalty, not exceeding One Hundred Rupees.

XIV. Every Seaman, tendering to the Master or Owner of any Vessel a cancelled Register Ticket, or any Ticket not lawfully issued to him, shall forfeit to the Owner all wages accruing to him during the service for which he shall have agreed.

XV. All penalties, directed by this Act, may be imposed on summary conviction before a Magistrate or Justice of the Peace, and may be recovered with costs, as if they were imposed by a Magistrate under Act II. 1839.

XVI. The Fees received by the Registrar shall be applied towards defraying the expenses of this Act; beside which, a yearly duty of One Anna per ton shall be levied for the same purpose on all Vessels of the burden of one hundred and fifty tons and upwards, navigated to or from the ports within the Territories under the Government of the East India Company; and the production of a certificate of payment at one port of Registry shall free the same Vessel at all others during the current year, to be reckoned from the First day of January to the last day of December.

SCHEDULE A.

1. What is your name and surname?
2. What is your father's name, and usual dwelling place?
3. Have you been registered before?
4. Where were you born?
5. When were you born?
6. When did you first go to sea?
7. In what capacity did you first go?

8. In what capacity have you since served?

9. Have you served in the Royal or Indian Navy? or in the Marine of the East India Company?

10. If you have, how long? and in what Ships? and in what capacity?

11. Have you been in Foreign Service?

12. If you have, how long? and in what capacity? and under what Flag?

13. How have you been generally employed at sea?

14. Where do you usually live when unemployed?

SCHEDULE B.

Names and numbers of the Register Tickets of the Crew (including Apprentices) now serving on board the
of the Port of of the burden of Tons,
on taking departure from the Port of in the
East Indies, bound on a voyage to

Number and date of Ship's Register.	Name.	Capacity.	Number of Register Ticket.

Dated this day of 18

Master.

ACT No. XXVIII. OF 1850.

Passed on the 21st June 1850.

AN ACT for the encouragement of Merchant Seamen.

For the encouragement and protection of Merchant Seamen; It is enacted as follows:—

I. The Master of any Vessel, navigated from any port within the territories under the Government of the East India Company, where a Registrar of Seamen is or shall be appointed under Act XXVII. 1850, registered as a British Vessel

under any Statute of Parliament, or Act of the Governor General of India in Council, in force for the time being, for the Registry of British Vessels, except Country Craft not exceeding the burden of 300 tons employed only in Coasting voyages, shall not put to sea on any day after the First day of August 1850, until an agreement, executed as hereinafter provided, shall have been made by him with such of his Crew as are shipped at any port within the said territories, specifying what wages each Seaman is to receive, and the quantity and quality of provisions he is to receive, the capacity in which each is to act, or serve, and the voyage in which the Vessel is to be employed, or the length of time that each is to serve.

II. Every such agreement shall be in the form set forth in Schedule (A) annexed to this Act, or such other form as shall be, from time to time, approved by the Governor General of India in Council, and shall be properly dated, and shall be signed by the Master and the greater number of Seamen shipped at any port in the said territories, of each kind of rating belonging to the Vessel, on behalf of the Crew, respectively, in the presence of the Registrar of Seamen, or by some one appointed by him for that purpose, who, after hearing the agreement read over and explained to each Seaman by whom it is to be signed, in a language understood by him, shall, if the Seaman assent, cause him to put his signature or mark thereunto, and shall attest the same by his own signature, and shall keep recorded in his Office a duplicate of such agreement executed and attested as aforesaid. Every Seaman shipped on board such Vessel, and not being an Apprentice, shall be entitled to have the benefit of such agreement, according to his rating, as if it were executed by him.

III. Every copy of such an agreement, certified by the Registrar to be a true copy, shall, in all cases, be taken as evidence of the contents thereof on behalf of the Seamen, and no Seaman shall, in any case, be required to produce such agreement, or such copy as aforesaid, or to give notice for the production thereof; but, if the agreement shall not be produced and proved, he shall be at liberty to prove the contents or purport thereof, or to establish his claim by other evidence, according to the nature of the case.

IV. No Seaman, shipped under this Act, shall, by reason of any agreement, forfeit his lien upon the Ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise be entitled, against any person or persons whatever; and no agreement, contrary to, or inconsistent with this Act, nor any clause, contract or engagement, whereby any Seaman shall consent or promise to forego, or give up any right or claim to wages in the case of freight earned by a Ship afterwards lost, or any right or claim to salvage services, or such share of salvage or reward for salvage services as may be due to him by decree or award, or otherwise, shall be binding on such Seaman.

V. The wages of any Seaman engaged to serve on any Vessel under this Act, shall be calculated by the calendar month.

VI. If any Seaman, serving under the provisions of this Act, shall by a writing, according to a form set forth in Schedule (B.) annexed to this Act, or such other form as shall be, from time to time, approved by the Governor General of India in Council, attested by the signature of the Registrar or his Assistant, and by the signature of the Master of the Vessel on which he is engaged to serve, and in which writing the purpose shall be stated, authorize the said Registrar to receive monthly from the Owner of the said Vessel or his Agent, any part of his wages, not exceeding one-third thereof, for the time for which he shall not have received any advance, for the purpose of maintaining his family during his absence, the said Owner or his Agent shall, on demand of the said Registrar, pay such sum to him, to be applied as aforesaid without requiring any proof from the said Registrar that the said Seaman is still on board the said Vessel.

VII. All such payments, whether by the Owner, his Agent or by the Registrar, shall cease from and after the production of a certificate from the Master of the Vessel, of the death, desertion or discharge of the said Seaman, or on reasonable evidence that the Vessel has been lost; but no payment, actually made by the Registrar to the party appointed by the said Seaman, shall be reclaimable by reason of his death, desertion, or discharge or of the loss of the Vessel.

VIII. All such receipts and payments shall be entered in a book, and all entries in the said book shall be authenticated by the Registrar under his signature or the signature of his Assistant; and the said book shall be, at all times, open to the inspection of the parties concerned.

IX. At the time of witnessing the execution of the agreement for service, the Registrar shall explain to the Seaman, parties thereunto, the conditions on which they can allot a part of their pay to their families during their service; and it shall be the duty of the Registrar to see that all Seamen leaving the port have the option of allotting part of their pay as aforesaid.

X. The Master of every such Vessel, before leaving any port of Registry, shall deliver to the Registrar a list, signed by himself, of the name of every Seaman engaged by him in the territories under the Government of the East India Company, (including Apprentices,) with their rating and the number of their Register Tickets, according to such form as shall be, from time to time, approved by the Governor General of India in Council; and, if he shall not have engaged any Seaman within the said territories, the Master shall deliver to the Registrar a certificate of the fact signed by himself; and, on receiving the said list or certificate, and on being satisfied of its truth, the Registrar shall give to the Master a certificate under his hand, that the Master of such Vessel has complied with the regulations of the Registry Office.

Every Master of any such vessel, who shall leave a Port of Registry without delivering such lists or certificate as aforesaid, shall be liable to a penalty not exceeding Two Hundred Rupees.

XI. For the purpose of preventing any Seaman from being shipped on board of any vessel in any Port of Registry contrary to the provisions of this Act, the Registrar of the Port, by himself or his agents, in a peaceable manner, may enter at any time on board of any such vessel, and muster and examine the several Seamen employed therein; and any person, who shall obstruct the said Registrar or his agents in such duty, shall be liable to a penalty not exceeding One Hundred Rupees.

XII. In cases when the Registrar shall have reason to believe that any of the provisions of this Act has been evaded or neglected by the Master, Owner or Agent of any Ship about to go to sea, the Registrar, by a writing under his hand, may stay the grant of a port-clearance by the Master Attendent; and every Master Attendant shall comply with the written requisition of the Registrar in this respect.

XIII. The Master of every such Vessel, on which any Seaman engaged under this Act may be serving, shall, within seven days after the arrival of such Vessel at the port where the voyage ends or after the end of the service, according to the agreement entered into, in accordance with this Act, pay or cause to be paid to such Seamen the wages remaining due to them for their services, taking a receipt from each man for the amount paid to him, either separately or on a general list, which receipt shall be certified by the Chief or Second Officer, or other credible witness, and otherwise shall be of no force or validity.

XIV. Every Master or Owner, who shall neglect or refuse to pay any Seaman's wages, within the time mentioned in the last Section, shall forfeit and pay to such Seaman the amount of two days' pay, to be recovered as wages, for each day, not exceeding ten days in the whole, during which such payment has been delayed without sufficient cause.

XV. If any Seaman, to whom any wages are due, die before the wages due have been paid, then the wages shall be paid to the Registrar of the Port of Registry at which the ship shall first touch after his death, and the Registrar shall pay the same to his legal representative, and failing such legal representative, after the expiration of twelve months from the First of January next following the day on which he shall have received the said balance, into the Treasury of the East India Company, after having given due notice of such unclaimed balance being in his possession, by advertisement in the *Gazette*, at least twice during such period.

XVI. Every Master of a Vessel, who shall be convicted before a Magistrate of having neglected to pay to the Registrar within ten days of the Ship's arrival in the port as aforesaid the wages due to deceased Seamen, shall forfeit three times

the amount of wages so neglected to be paid; and further shall be subject to such fine, not exceeding One Hundred Rupees, for each case of neglect, as to such Magistrate shall seem fit.

XVII. Whenever any Marchant Vessel, navigated and registered as is mentioned in Section I., and not having been wrecked or condemned, shall be sold or disposed of at any port out of the territories under the Government of the East India Company, or whenever the service of any Seaman shall end at any such port, the Master shall give to each Seaman a Certificate of discharge, and his Register Ticket, and also either provide for him fit employment on board some other such Vessel bound to some port within the said territories, or provide for him a passage to the port at which he was shipped, or such other port as may be agreed on, either free of cost, or by depositing with the British Consul or Vice-Consul, or if there be none such, with some resident Merchant of the port not interested in the vessel, such a sum of money as shall be by him deemed reasonable enough to pay the expenses of his subsistence and passage, which money shall be paid over and above any wages wich may be due to him.

XVIII. If the Master shall neglect or refuse to provide employment, or the means of passage, for any of his Crew as mentioned in the last Section, the expense of doing so, when defrayed, shall be a charge on the Owner of the Vessel, unless in cases of barratry, wreck or condemnation, and may be recovered with full costs of suit from such Owner as so much money paid on his account, at the suit of the Consul or any other person defraying such expenses, or at the suit of the East India Company, in case the same has been paid or allowed out of any monies belonging to the East India Company; and if defrayed by the Seaman himself, may be recovered as wages due to him.

XIX. The obligations of the last two Sections shall not apply to such of the Crew as shall consent, in writing, before the British Consul or Vice-Consul, or if there be no British Consul or Vice-Consul at the port, before one or more resident Merchants not interested in the vessel, to be then and there discharged.

XX. In all cases of wreck or loss of the Ship, every Seaman then on board shall be entitled to his wages up to the time of the wreck or loss, whether or not the Ship has earned freight; provided he shall produce, from the Master or Chief surviving Officer of the Ship, a Certificate that he did his best to save the Ship, Cargo and Stores.

XXI. Every Seaman shall be entitled to receive an increase of his wages for every day on which the allowance of provisions, which it was agreed he should receive, shall be reduced, at the rate of One Anna daily while the reduction is not more than one-third of the quantity, and Two Annas daily while the reduction is

more than one-third: and these pecuniary allowances shall be recoverable as his other wages are.

XXII. No assignment or sale of Seamen's wages, salvage or prize money, made before the accuring thereof, nor any Power of Attorney expressed to be irrevocable, for the receipt of any Seaman's wages, salvage or prize money, shall be valid or binding on the party making the same; and any attachment, to be issued out of any Court, shall not prevent the payment of any Seaman's wages, salvage or prize money to him.

XXIII. Every such vessel shall have always on board a sufficient supply of medicines and appliances, suitable for diseases and accidents likely to happen on sea voyages, according to such scale as shall be, from time to time, issued by the Superintendent of the Indian Navy with the approval of the Governor General of India in Council, and published in the *Government Gazettes* at Calcutta, Madras and Bombay; and, in default thereof, the Owner of the vessel shall be liable to a penalty not exceeding Two Hundred Rupees, and Five Rupees for every day during which such default shall wilfully continue.

XXIV. Whenever the Master, or any Officer or Seaman or any such vessel shall receive any hurt or injury in the service of the vessel, the expense of providing for the necessary surgical and medical advice and attendance, with medicines, and for his subsistence until he shall be cured or shall be brought back to the port from which he was shipped, or other port agreed upon, shall be defrayed, with the cost of his conveyance to such port, by the Owner of the vessel, without any deduction on that account from the wages of such Master, Officer or Seaman; and, if paid by himself, may be recovered as part of his wages; and, if paid or allowed out of any monies belonging to the East India Company, may be recovered with full costs of suit as a debt due to the East India Company.

XXV. If any vessel, on board of which there shall be any Seaman who has received an advance under this Act, shall, before going on the voyage for which such advance shall have been paid, be destroyed or injured by fire, or other cause, so as to prevent her going on her then intended voyage, or if such voyage shall be discomfited at the beginning, or before the advance has been worked out, the Master, Owner or Agent of such vessel may demand from such Seaman, unless he shall pay back the amount so advanced to him, service to the full amount of the advance received by him, on board of any other vessel; and such Seaman, until he has worked out such advance, shall not be entitled, without the consent of such Master, Owner, or Agent, to take service in any vessel other than that on which he is so required to serve; and any such Seaman, who shall refuse to work out such advance on board such other vessel, on summary conviction of his refusal before any Magistrate or Justice

of the Peace, shall be liable to be imprisoned, with hard labor, for any term not exceeding six months.

XXVI. The Registrar of Seamen may grant, from time to time, to such persons as he may deem fit, a license to act as broker for procuring Seamen for vessels shipping men under this Act, and also a license to the keeper of any lodging-house for Seamen, enabling him to allow Seamen to be engaged at his house, and also may revoke and annul such license on the misconduct of any such person : and every such license shall be granted for such term, upon such conditions and upon such security given, as the said Registrar shall from time to time appoint.

XXVII. Every person, not licensed as aforesaid, and not being the Owner, part Owner, Master, or person in charge of the vessel on board of which the men are to serve, who shall hire or engage a Seaman, to be entered on board any Merchant Ship at any Port of Registry, and every person, whether licensed or not, other than the Owner, part Owner, Master, or person in charge of the Merchant Ship, on board of which the men are to serve, who shall demand or obtain the Register Ticket of any Seaman, for the purpose, or under the pretence of engaging him on board of any Merchant Ship and every person, whether or not licensed as aforesaid, who shall ask or take, directly or indirectly, from any Seaman any fee, reward, or other valuable consideration, for hiring or engaging or endeavouring to hire or engage him on board of any Merchant Ship, shall be liable to a penalty not exceeding Five Hundred Rupees.

XXVIII. Every licensed broker, who shall engage any Seaman at any punch-house or tavern, not being a licensed lodging-house for Seamen as aforesaid, or who shall be directly or indirectly interested in any punch-house or tavern, not being a licensed lodging-house for Seamen as aforesaid, shall forfeit his license.

XXIX. Every person who shall persuade or endeavour to persuade, or hinder any Seaman from complying with any of the provisions of this Act, or who shall counsel such Seaman to desert, or who shall conceal, or aid in concealing or maintaining any Seaman who has deserted, shall be liable to a penalty not exceeding Five Hundred Rupees.

XXX. If a Seaman engaged under this Act shall at any time, whether before or during any voyage, neglect or refuse to join the vessel on board of which he shall have engaged to serve, or shall refuse to go to sea in such vessel, or shall absent himself therefrom without leave, or shall desert, any Justice of the Peace or Magistrate in the territories under the Government of the East India Company, at or near to the place where such vessel shall happen to be, or where such Seaman shall be found upon complaint made upon oath by the Master, Mate or Owner, or his Agent, may issue his warrant, and cause such Seaman to be taken into custody,

and brought before him; and upon due proof of such neglect, refusal, or absence without reasonable excuse, or of desertion, may commit such Seaman to prison, or to the House of Correction, there to be imprisoned, with or without hard labor, for a term not exceeding thirty days; or, if he shall think fit, at the request of the Master, Mate, or Owner, or his Agent, instead of committing such Seaman, may cause him to be taken on board the said vessel, or to be delivered to the Master, Mate, or Owner, or his Agent, for the purpose of being so taken and going on the voyage; and also may award to the Master, or Owner, or his Agent, such costs incurred in the apprehension of the Seaman, as to such Justice or Magistrate shall seem reasonable, not exceeding in any case the sum of Twenty Rupees, which shall be chargeable against, and may be deducted from, the wages of such Seaman.

XXXI. Every Seaman engaged under this Act, who, during the term of his service, shall wilfully and without leave absent himself from the vessel, or otherwise from his duty, shall, (in all cases not of desertion, or not treated as such by the Master), forfeit out of his wages the amount of two days' pay, and for every twenty-four hours of such absence the amount of six days' pay, or, at the option of the Master, the amount of such expenses as shall have been necessarily incurred in hiring a substitute; and every Seaman, who, while he shall belong to the vessel, shall without sufficient cause neglect or refuse to perform his duty reasonably required of him by the Master, or other person in command of the vessel, shall be subject to a like forfeiture, in respect of every such offence and of every twenty-four hours' continuance thereof; and every such Seaman, who, after the Vessel's arrival at her port of delivery and during the term of his service, shall leave the Vessel without a discharge or leave from the Master, shall forfeit one month's pay out of his wages: Provided always, that no such forfeiture shall be incurred, unless the fact of the Seaman's absence, neglect, or refusal shall be duly entered in the Log Book, the truth of which entry the Owner, Master, or Agent, in all cases of dispute, shall be bound to substantiate, by the evidence of the Mate, or some other credible witness.

XXXII. Every Seaman engaged under this Act, who shall desert his Vessel, shall forfeit to the Owner all his clothes and effects which he may leave on board, and also all wages and emoluments to which he might otherwise be entitled; Provided always, that every desertion be entered in the Log Book at the time, and certified by the signatures of the Master and the Mate, or the Master and one credible witness.

XXXIII. If any Seaman shall desert during the term for which he has engaged to serve, in any place beyond the Port where he was engaged, and the Master of the Vessel shall engage a substitute at a higher rate of wages than that stipulated in the agreement to be paid to the Seaman so deserting, the Owner, Agent, or Master of the vessel, shall be entitled to recover from the Deserter, by summary

proceeding, in the same manner as penalties are by this Act made recoverable, (so far as the same can be applied), any excess of wages or portion thereof which such Owner, Agent, or Master shall pay to such substitute, beyond the amount which would have been payable to the Deserter, if he had duly performed his service: Provided always, that no Seaman shall be imprisoned longer than three calendar months for non-payment of any such excess of wages.

XXXIV. The absence of a Seaman from his vessel for any time within twenty-four hours immediately before the sailing of a vessel from any port, whether before or during any voyage, wilfully or knowingly, without leave, or the wilful absence of a Seaman from his vessel, at, or for any time, without leave and in such manner as to shew an intention to abandon his Vessel and not return thereto, shall be deemed desertion.

XXXV. Every person, who shall wilfully harbour or conceal any Seaman or Apprentice who shall have deserted, knowing or having reason to believe such Seaman or Apprentice to be a Deserter, shall, for every such Seaman or Apprentice so harboured or concealed, be liable to a penalty not exceeding One Hundred Rupees.

XXXVI. No debt exceeding in amount Three Rupees, incurred by any Seaman after he shall have engaged to serve under this Act, shall be recoverable until the service agreed for shall be ended; nor shall any keeper of a public house, or of a lodging-house for Seamen, be entitled to detain any chest, tools, or other property of any Seaman, for any debt alleged to have been contracted by him; and in case of such detention of the chest, tools, or other property of a Seaman, any Justice of the Peace or Magistrate at or near the place, upon complaint upon oath to be made by such Seaman, or by any person on his behalf, may enquire into the matter upon oath in a summary way; and, by warrant under his hand and seal, may cause such property to be seized and delivered over to such Seaman; and the person so detaining the same shall be liable to a penalty not exceeding One Hundred Rupees.

XXXVII. Any Justice of the Peace or Magistrate, within the territories subject to the East India Company, upon complaint made by any three or more of the Crew of any such vessel, shall survey and examine, or cause to be surveyed and examined, the provisions, water, and medicines, put or supplied on board of the vessel, for the use and consumption of the Crew; and, if on such survey and examination it shall be found that such provisions, water, or medicines, are of a bad quality or unfit for use, or not such as should be provided, or there shall not appear to be a sufficient quality thereof, the Surveying Officer shall signify the same, in writing, to the Master of the vessel; and, if such Master shall not thereupon provide other fit provisions, water, or medicines, instead of any which may be signified by the said Surveying Officer to be of a bad quality or unfit, or if any

such Master shall not thereupon procure the needful quantity of provisions, water and medicines, or shall issue to the Crew any provisions, water, or medicines, which shall have been signified by the Surveying Officer to be of a bad quality, or unfit, he shall, in each of such cases, be liable to a penalty not exceeding Five Hundred Rupees.

XXXVIII. A place of shelter shall be provided below a well caulked and substantial deck for the men engaged under this Act, large enough to allow four superficial feet for every man; and if the place allotted be under the Top-gallant Forecastle, such Forecastle deck shall be not less than four feet six inches above the one below it; and in default thereof every man who is unprovided with such adequate shelter shall be entitled to have an increase of his wages, at the rate of Four Annas daily while he is so unprovided, which shall be recoverable as his other wages are.

XXXIX. All penalties, directed by this Act, may be imposed on summary conviction before a Magistrate or Justice of the Peace, and may be recovered, with costs, as if they were imposed by a Magistrate under Act II. 1839.

XL. All claims for wages or forfeitures due and incurred under the agreements entered into under this Act, may be heard and determined by any Justice of the Peace or Magistrate; and the amount with costs, awarded by such Justice or Magistrate, shall be recovered from the party against whom the award is made, in the same manner as fines levied under the provisions of Act II. 1839.

XLI. Every person having the charge or command of any vessel sailing under this Act shall be deemed to be the Master of such vessel, within the meaning of this Act, and every other person (Apprentices excepted) who shall be employed or engaged to serve in any capacity on board, except as Surgeon, shall be deemed to be a Seaman within the meaning of this Act; and the term "Owner" shall be deemed to comprehend all the several persons, if more than one, to whom the vessel belongs, and the term "Agent" shall be deemed to comprehend all the several persons, if more than one, who are Agents of the "Owner."

SCHEDULE (A.)

An Agreement made pursuant to an Act passed by the Governor General of India in Council and numbered No. XXVIII. of 1850, between the Master of the Ship of the Port of and of the burden of Tons, and the several persons whose names are set hereto on behalf of themselves and others shipped on board the said Ship within the territories under the Government of the East India Company.

It is agreed by and on the part of the said persons and they severally hereby engage to serve on board the said Ship in the several capacities against there respective names expressed [or from the day of to the

day of both inclusive *(where the intended voyage is to be described as nearly as can be done and the places at which it is intended the Ship shall touch, or, if that cannot be done, the nature of the voyage in which she is to be employed ;)* and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful and sober manner, and to be at all times diligent to their respective duties and stations, and to be obedient to the lawful commands of the Master in every thing relating to the said Ship, and the Materials, Stores and Cargo thereof, whether on board such Ship, in boats or on shore, in consideration of which services, to be duly, honestly, carefully and faithfully performed, the said Master doth hereby promise and agree to pay to the said Crew, by way of compensation or wages, the amount against their names respectively expressed. And it is hereby agreed, that any embezzlement, or wilful or careless loss or destruction of any part of the Ship's Cargo or Stores, shall be made good to the Owner out of the wages (so far as they will go) of the Seaman guilty of the same ; and if any Seaman shall have entered himself as qualified for a duty for which he shall prove unfit, he shall be liable to a reduction of the rate of wages hereby agreed for, in proportion to his unfitness. In witness whereof the said parties have hereto set their names, on the days against their respective signatures mentioned.

No and date of Ship's Register.	Place and time of Entry.			Men's names set forth at full length.	Number of Register Ticket.	Name of the Ship in which the Seaman last served.	Age.	Town or Country where born or place of birth	Caste or profession.	Amount of Wages per calendar month, Share or Voyage.	Amount of Wages advanced at time of Entry.	Amount of monthly allotment.	Quantity and quality of Provisions per day.	Signature.	Witnesses' signature.
	Day.	Month.	Year.												

hereby declare the truth of all the particulars set forth in this Agreement made at the Port of ( )

this day of 18

Master.

Mate.

SCHEDULE (B.)

Ticket of allotment of wages by a registered Seaman at the Port of

I registered Number now serving as on board the Vessel . at monthly wages of Rupees, hereby authorize and request the Registrar of Seamen at to receive from the Agents of the one-third of my monthly wages as they become due, after I shall have served the time for which I have received advance, which time will expire on the day of next, and I hereby authorize the Registrar to pay the same to my or the person holding this paper, taking his or their receipt, monthly, on the back hereof.

ACT No. XXX. OF 1850.

Passed on the 9th August 1850.

AN ACT to remove doubts on the Construction of Act I. 1846, and Act IV. 1850.

II. The time allowed for the presentation of petitions of regular appeal in cases appealable to the Sudder Court, in cases decided before the passing of Act IV. 1850, is three months, instead of six weeks, as provided for the future by the last mentioned Act: and all appeals filed before the passing of this Act in such cases within the said term of three months shall be taken to have been presented in due time, and shall be subject to all the forms and rules in force previous to the passing of Act IV. 1850.

III. The notice, required by Section II. of the last mentioned Act to be given in writing to the appellant, may be given by a notice to be affixed in the Court House of the Sudder Dewanny Adawlut, or in such form and manner as the Court shall order by a rule to be framed under Act XVII. 1841.

IV. Act IV. of 1850 shall not affect appeals by Paupers, which shall be preferred in all respects as heretofore, excepting that the specific objections to the judgment and detailed reasons for preferring the appeal may be presented within three months, instead of six weeks, from the date of permission to appeal as a Pauper.

Act No. XXXVI. of 1850.

Passed on the 4th October 1850.

An Act to amend the 113th Article of War for the Native Army.

Whereas it is expedient that Native Soldiers, when imprisoned, should be treated as European Soldiers are in the like case, as respects subsistence and clothing; It is enacted as follows:—

I. From and after the First day of December 1850, so much of the 113th Article of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company as provides for the forfeiture of allowances, and the subsistence of such Officers and Soldiers when in imprisonment under the sentence of any Court Martial or of any Court or Criminal Judicature, is repealed.

II. From and after the said First day of December 1850, no Native Officer or Soldier, or public Follower in the Military Service of the East India Company shall be entitled to pay or allowances, when imprisoned under the sentence of a Court Martial or a commuted sentence, or under the sentence of a Court of Criminal Judicature; but shall be clothed and subsisted at such rates, or in such manner, as the Governor General of India in Council may from time to time order.

Act No. XXXVIII. of 1850.

Passed on the 1st November 1850.

An Act to allow Counsel to all persons on the trial of offences.

Whereas an Act of Parliament was passed in the seventh year of the reign of His late Majesty for enabling persons indicted of felony to make their defence by Counsel or Attorney, the provisions of which Act were enlarged and extended to Her Majesty's Courts of Justice in the territories under the Government of the East India Company by Act XXII. 1839, and whereas it is just and reasonable that the like privilege be given to all persons on the trial of offences against the law; It is enacted as follows:—

I. In all Courts and before all Magistrates, or persons exercising any of the powers of a Magistrate, under the authority of the East India Company, every person on trial for the commission of any offence shall be admitted to defend himself either personally or by his authorized agent, and, after the close of the case for the prosecution, to make full answer and defence thereto either personally or by his authorized agent.

II. The said Courts, Magistrates and persons, subject to such rules as shall be from time to time made for their guidance by the Nizamut or Fouzdaree Adawlut, may allow any prosecution to be conducted by an authorized agent.

III. In those Courts in which any person now has by law the right of employing whomsoever he can employ as Counsel or Pleader, nothing in this Act shall be deemed to restrict that right; in all other cases those persons only shall be deemed authorized agents within the meaning of this Act who are either Advocates of one of the Supreme Courts of Justice established by Royal Charter, or authorized Pleaders of the Civil Courts of the East India Company, or, by leave of the Court, Magistrate or other person before whom the prisoner is on trial, any other person who is employed by the prosecutor or prisoner as his agent.

IV. This Act shall not be deemed to dispense with the presence of any prosecutor or person on trial for the commission of any offence when the presence of such prosecutor or accused person is now by law required.

Act No. XXXIX. of 1850.

Passed on the 22nd November 1850.

To continue the Commissioners for the Improvement of the Town of Calcutta, pending the consideration of an Act to amend Act XVI. 1847.

Whereas Act XVI. 1847, for constituting Commissioners for the improvement of the Town of Calcutta has been found inconvenient and ineffectual for the intended purposes thereof, and it is expedient that the constitution of the said Commission be amended, and that in the meantime no new election of Commissioners be made in pursuance of the said Act; It is enacted as follows:—

1. So much of Act XVI. 1847, as relates to the election and time of holding office of the Commissioners for the improvement of the Town of Calcutta, is repealed.

II. The Commissioners for the improvement of the Town of Calcutta as now constituted, with the addition of such Commissioners as may be added, from time to time, to supply vacancies among the Commissioners nominated by the Governor of Bengal shall continue to be such Commissioners, and shall have and exercise all the powers entrusted to them under the said Act, or any other Act, until the First day of March 1851, or until other provision shall be made in that behalf by the Governor General of India in Council.

Act No. XL. of 1850.

Passed on the 22nd November 1850.

An Act for Licensing Pawnbrokers in the Settlements of Prince of Wales' Island, Singapore and Malacca.

Whereas it is expedient to amend the law regarding Pawnbrokers in the Settlements of Prince of Wales' Island, Singapore and Malacca; It is enacted as follows:—

I. Regulation VII. 1830, passed by the Governor of Prince of Wales' Island, Singapore and Malacca in Council, and Regulation XI. 1833, of the Bengal Code, are repealed from and after the first day of May 1851, except as to convictions and the enforcement of penalties for contraventions of the said Regulations.

IV. Every licensed Pawnbroker, who shall take any goods or chattels on pawn from any person, between sunset and sunrise on the following morning, shall forfeit a penalty not exceeding Fifty Dollars.

V. Every licensed Pawnbroker, who shall knowingly take from any European or Native Soldier any article whatsoever, as a pawn, pledge or security for any sum of money lent or advanced to such Soldier, or who shall knowingly buy from any European or Native Soldier any article whatsoever, without an authority in writing in each case from the Commanding Officer of such Soldier, shall forfeit a penalty not exceeding Fifty Dollars.

VI. Every licensed Pawnbroker, who shall take from any child, apparently under the age of fourteen years, any article whatsoever, as a pawn, pledge or security, for any sum of money lent or advanced to such child, or who shall buy from such child any article whatsoever, shall forfeit a penalty not exceeding Fifty Dollars.

VII. All Pawnbrokers are required to report, to the Superintendent of Police of the station or place in which they severally reside, all cases in which there is reason for them to suspect any person offering any article to be pawned of having unlawfully obtained possession thereof: and the said Pawnbrokers shall keep proper Registers in writing, specifying the nature and value of every article pawned; the name and dwelling-place of the person pawning the same; the date and the hour of the day in which the same was offered and taken in pawn; the amount lent and the time within which the same is to be repaid; and shall give a duplicate of the entry in such Registers to the person pawning the article respecting which the entry is made; and in default thereof shall forfeit a penalty not exceeding Fifty Dollars.

VIII. All such Registers shall be produced for inspection by the said Pawnbrokers, whenever they shall be thereto required by any Justice of the Peace, Superintendent of Police, or any Peace Officer; and any Pawnbroker, failing to keep and

produce his Registers when so required, shall forfeit his License, and also forfeit a penalty not exceeding Fifty Dollars.

IX. All penalties under this Act may be imposed on conviction of the offence by confession of the offender, or by the oath of one or more witnesses before two Justices of the Peace, and in case of non-payment of any pecuniary penalty forfeited under this Act, any two Justices may issue a warrant under their hands, directed to any Peace Officer, to levy the amount of such penalty by seizure and sale of any goods of the offender which may be found within the jurisdiction of such Justices; and if no such property shall be found, any Justice of the Peace, by warrant under his hand, may commit the offender either to the House of Correction or to Her Majesty's Gaol at the station where the conviction is had, for any period not exceeding four calendar months.

X. This Act shall take effect from and after the first day of May 1851.

Act No. XLII. of 1850.

Passed on the 20th December 1850.

An Act for giving additional facilities for Public Works in Bengal.

Whereas, by Regulation I. 1824, of the Bengal Code, power was given for taking any land in the territories subject to the Presidency of Fort William in Bengal, which is needed for any public purpose, according to the forms therein prescribed, but it is expedient for hindering needless delay in making the Railway about to be constructed in the said Presidency under the sanction of Government, and also in any other public work, that more summary power should in certain cases be given for gaining immediate possession of the land needed for such public work.

It is declared and enacted as follows:—

I. Any Railway, made in the said territories under the sanction of Government, is a public work within the meaning of the said Regulation.

II. The persons employed in any public work, with their servants and workmen, may enter upon any land for surveying the ground, and in the case of a road, canal or railway for setting out the intended line thereof, and in the case of any intended road, canal or railway may mark the intended line by cutting a trench or placing land-marks along the line, and where otherwise the survey cannot be completed, and the line marked, may, with the sanction of the Government or of any officer appointed by Government for this purpose, cut down and clear away any part of any jungle or tope of trees in the direction of the intended line. Provided, that no person shall enter the curtilage of any house under color of this

Act without consent of the occupier, unless between sunrise and sunset, and after due notice given to such occupier.

III. It shall be the duty of the officer so appointed by the Government to take account of all necessary damage done as aforesaid, that it may be allowed for, in awarding compensation to the owners and occupiers of land.

IV. Whoever wilfully obstructs any person in lawfully setting out the line of any road, canal, or railway, or wilfully destroys, damages, or displaces any such land-mark, or effaces or fills any such trench, shall be liable to be imprisoned for any term not exceeding six months, and also to fine not exceeding Two Hundred Rupees.

V. Whenever the said officer shall have recorded his opinion that the land in dispute is needed immediately for the purpose of the public work, he shall be empowered to take immediate possession thereof on behalf of the Government, leaving the amount and distribution of the consideration to be paid for it, if not agreed to by private bargain to be afterwards ascertained according to the said Regulation, and such possession may be enforced and the obstruction of it punished in like manner as if the land so taken had been sold in execution of the decree of a Civil Court: and all Collectors, Magistrates and other officers shall, if necessary, give the like aid, as they would be bound to give for enforcing the speedy and complete execution of any such decree.

VI. If the said officer is opposed or impeded in taking immediate possession of such land as in his opinion is immediately needed, he shall apply to the Magistrate of the district, who shall enforce the surrender of the land.

VII. The powers of the said Regulation and of this Act shall extend in the case of any road, canal or railway, to authorize the temporary occupation of any land not more than one hundred yards from the centre line of the road, canal or railway as marked on the ground, for taking earth or other materials for making or repairing the road, canal or railway, or for depositing thereon superfluous earth or other materials, or erecting temporary buildings and workshops thereon; or any land which may be needed for making temporary roads from any public road to the intended line of railway; and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained in case of disagreement in the same manner as compensation for land permanently taken.

VIII. The local Government, if it thinks fit, may empower any such officer to execute any award made under the said Regulation, and to do all things necessary

for completing the business of taking and paying for the said land, and for settling all disputes concerning it, without sending any report to the local Government.

IX. In every case in which any land has been or shall be taken by the Government for any public work otherwise than according to the said Regulation, such land, after the lapse of five years without any claim preferred for the recovery thereof in any competent Court, or under the said Regulation I, 1824, or this Act, shall vest absolutely in the East India Company, freed and discharged from all other claims thereunto.

X. The said term of five years shall be reckoned from the date of this Act, in the case of land heretofore taken, and in the case of land hereafter taken from the time of taking possession thereof.

XI. If within the said term of five years any suit is begun upon which final judgment shall be obtained establishing the right of the plaintiff to any interest in any such land, then, instead of the said land, there shall be paid to the person obtaining such judgment the value of his interest in the said land, at the time when possession thereof was taken, with interest thereon at the usual and lawful rate, to be ascertained and settled in case of dispute by arbitration, in the manner described for disputed claims by the said Regulation.

Act No. XLIII. of 1850.

Passed on the 27th December 1850.

An Act for the Regulation of Registered Joint Stock Companies.

For the Regulation of Joint Stock Companies registered under this Act; It is enacted as follows:—

I. Every unincorporated Company of partners, associated under a deed containing a provision, that the shares in the stock or business of the said Company are transferable without the consent of all the partners, and also every Company established for some literary, scientific or charitable purpose, which does not carry on any business for the pecuniary benefit of any of the proprietors or shareholders, shall be entitled to registration under this Act.

II. The Supreme Courts of Judicature at Calcutta, Madras, or Bombay may, on such petition as is hereinafter mentioned of any persons desiring to register the Company to which they belong, order the registration of such Company; and thereupon such Company shall be duly registered in the said Court, and deemed a registered Company within the meaning of this Act.

III. Every petition for the registration of any Company under this Act shall be filed in the Court to which it is presented, with the deed, or a copy of the deed of

partnership of the Company, and a list of the Directors and Shareholders of the Company, severally verified by affidavit of the Secretary, or Manager, or principal or other servant of the Company intended to be registered by a Registered Officer of the Company within the Presidency in which the petitioners shall apply for registration; and such petition shall set forth the following particulars; that is to say :—

First.—The names and additions of all those who are at that time partners of the Company, and their usual places of residence; and, when any Company, which has carried on its business before registration, shall be admitted to the privileges of this Act, a separate memorial of the names and additions and last known place of abode of all persons who, within three years next before the presentation of the petition, were partners thereof.

Second.—The style under which the Company is to carry on its business.

Third.—The names of the principal places, within the Presidency in which they seek to be registered, where the business is to be carried on.

Fourth.—The amount of capital stock and of any proposed addition thereto, and if consisting of money how much is paid up, and if other than money, the nature of such capital stock, and in all cases how invested, and if separate provision is made for working capital, the amount thereof, and how much of it is paid up.

Fifth.—The number of shares into which the capital stock has been, or is to be divided.

IV. Before the registration of any Company, which has carried on its business before registration under a deed of partnership not containing any provision for registration of the Company under this Act, the Directors shall call a special meeting of the Shareholders for the purpose of resolving that the Company shall be registered under this Act, to be held at a place and time to be mentioned in the notice of meeting; and such notice, beside being given to the partners in the manner provided in the deed of partnership for notice of special meetings, shall be published in the *Government Gazette* and in at least one other newspaper circulating within the Presidency, and the time of holding such meeting shall be not sooner than three months and not later than four months after the first of such publications.

V. One-half in number of the Shareholders assembled either personally, or by their lawfully constituted Attornies at such meeting, owning at least one-half of the whole number of shares owned by all the Shareholders so present, may resolve that the Company shall be registered under this Act, and such resolution so carried shall be binding on the whole Company.

VI. The petition for registration in such case shall contain, beside the other particulars herein mentioned, statements of the notice and publication thereof, of the

holding of the meeting, and of the several numbers of Shareholders and shares held by them collectively, who were present at the meeting, and who voted in favor of the resolution respectively, and shall state that the petition is presented upon such resolution.

VII. No Company shall be disqualified for registration by reason of any outstanding loan to any Director, or by reason of any Director being a surety, or under any other pecuniary engagement to the Company: but any Director having such loan or being such surety or under such engagement shall, by the fact of the registration of the Company, cease to be a Director, unless the loan or other engagement be such as is authorized by this Act.

VIII. Every registered Company shall be subject to the following regulations, notwithstanding any provisions in their deed of partnership varying therefrom; and the Supreme Court, in which the Company shall be registered, shall have authority, on the petition of any Shareholder, to enforce the same, and from time to time to make any order or orders in respect of any breach or neglect thereof as to such Court shall seem meet.

First.—Every registered Company shall hold one or more ordinary general meetings of the Company in every year, at such times and places as are appointed by the deed of partnership, or in default thereof, as the Supreme Court, in which such Company is registered, shall in the order for registration appoint, subject to variation by any subsequent order or orders of such Court.

Second.—Every registered Company shall from time to time hold an extraordinary general meeting, whenever seven Shareholders or any greater number may require it, by notice in writing under their hands to be delivered to a Registered Officer of the Company, or, if he cannot be found, to any other servant of the Company, at one of their usual places of business.

Third.—No registered Company shall purchase its own shares, or make any loan of money or securities for money to any person or persons, on the security of a share or shares in the partnership or business; and every such purchase or loan shall be a breach of trust within the meaning of all laws now in force, or hereafter to be in force, relating to breaches of trust by agents or trustees misappropriating money or property.

Fourth.—No registered Company shall make any loan of money or securities for money to any Director or Registered Officer of such Company, or to any member of a local committee at any Branch or Agency, except only, in the case of Banking Companies, to such limited amount and on such securities as shall be sanctioned by the deed, or from time to time by a general meeting of the Shareholders of such Banking Company; and every such transaction, except as aforesaid, shall be a like

breach of trust: And the particulars of every loan made to any Director or Registered Officer of such Company shall be reported to the next general meeting of Shareholders, with a statement and specification of the several securities on which such loans were advanced.

Fifth.—No Director or Member of a local Committee at any Branch or Agency, or Registered Officer, shall become a security or guarantee for any person in any loan or other transaction with the Company, nor shall he in any way incur liability to the Company uncovered by such security as is sanctioned by the deed of partnership.

Sixth.—The accounts of every registered Company shall be audited half-yearly or oftener by two or more Auditors, chosen at a general meeting of the Shareholders, none of the Auditors being a Director or Registered Officer at the time.

Seventh.—A copy of the Auditors' report (if any) and balance sheet and a separate profit and loss account, and a capital account, shewing the amount of the capital, and how invested, and the estimated value thereof verified by affidavit of the same being made to the best of their knowledge and belief, as often as the accounts are audited, shall be filed in the Court, in which the Company is registered, and a written or printed copy of the said report, balance sheet, and accounts, shall be delivered to every Shareholder who shall demand it, or sent by the General Post Office to the place where he may, from time to time, require delivery thereof.

IX. The Court in which the Company is registered may, on the petition of any Shareholder, enforce the performance by the Directors of any of their duties under this Act, or of the deed of partnership, which it may appear just to enforce in a summary manner, after due notice given to such Directors; and disobedience to any order of the Court in this behalf shall be deemed a contempt of Court, and shall be punishable accordingly.

X. Within one week before or after the first day of January and first day of July, in every year after the registry of the said Company, a memorial shall be filed in the Court in which such Company is registered, setting forth in alphabetical order the names of all the partners, with their several additions, places of abode, and the number of shares belonging to each, and the names of the Directors of the Company, and also the names of the servants of the Company to be deemed the Registered Officers within the Presidency in which such Court is situated; and, as often as a change in the Direction or of any Registered Officer shall take place by death, resignation, disqualification, or otherwise, a memorial of such change shall be forthwith filed in the Supreme Court.

XI. When any share is held by two or more persons, the name, addition, and place of abode of every such person shall be separately entered in every such

memorial, and each of such persons shall be considered as jointly and separately liable for the engagements of the Company on account of such share; unless when such share belongs to any other Registered Company, in which case the name of such Company shall be entered in the memorial instead of the names of the partners thereof.

XII. The several memorials shall be signed by two or more of the Directors of the Company, and verified by affidavit of one of them before the Master of the Supreme Court or a Commissioner by the said Court appointed.

XIII. An office copy of any such registered deed, or copy thereof filed as aforesaid, or memorial or of any part thereof issued under the seal of the Court, shall be received in evidence before all Courts, as proof of the contents thereof, and no proof shall be required that the persons by whom any such memorial purports to be verified were Directors of the Company.

XIV. The Keeper of the Records of the Supreme Court shall allow all persons at reasonable times, to inspect any such deed copy, or memorial, and shall furnish office copies of any such deed, copy, or memorial, or any part thereof, under the seal of the Court, to all persons applying for the same.

XV. Such fees shall be paid for registering every such deed and memorial, and for allowing inspection and furnishing copies thereof, or of any part thereof, as the Judges of the Supreme Court, with the approval of the Governor or Governor in Council, from time to time shall establish.

XVI. Subject to the provisions of the deed of partnership, every Shareholder in any such Registered Company may sell and transfer all or any of his shares therein by a deed according to the form in the Schedule annexed to this Act, or to the like effect, and the same, when duly executed, shall be delivered to a Registered Officer, who shall make an entry thereof in a book to be called the Register of Transfers, and shall endorse such entry on the deed of transfer, and deliver an acknowledgment of the receipt thereof to the purchaser, for which entry and endorsement the Company shall be entitled to have a fee not exceeding One Rupee; and until such transfer is so entered and endorsed, the purchaser of the share shall not be entitled to receive any share of the profits of the business, or to vote in respect of such share.

XVII. No Shareholder shall be entitled to transfer any share, until he has paid all calls at that time due on every share held by him.

XVIII. On the transfer of any share in a Registered Company being executed and notified in the manner required by the Deed of the Company and this Act, the party making or the party accepting such transfer may require a memorial thereof to be made forthwith, and filed with the memorial of the names of Shareholders of the Company; and in case such memorial shall not be made and filed within one month

after such requisition, the Supreme Court shall, on the petition of either of the said parties and on notice being given to the Directors of the Company, order such memorial to be made and filed, in case the Court shall be satisfied of the validity of such transfer, and every such memorial of transfer shall be taken henceforth as part of the last general memorial.

XIX. No transfer shall be deemed complete, nor shall any Shareholder be discharged from any liability by the transfer of any share, until the memorial of such transfer shall have been filed as aforesaid, or until the purchaser has been substituted as a partner instead of the seller in one of the general half-yearly memorials, in respect of the share or shares so transferred; and no person shall be liable as a Shareholder by reason merely of having accepted such transfer, until such memorial of the transfer shall be filed, or until he is entered as a partner in one of the general half-yearly memorials.

XX. The Supreme Court in which any Company is registered may, on petition and on notice being given to the Directors and to every other person to whom it shall appear to the Court that notice ought to be given, order any memorial filed under this Act to be corrected, in case of any material error of omission or otherwise, either in the lists of Shareholders or any other respect whatever.

XXI. The Directors may close the Register of Transfers for a time not exceeding fourteen days before the payment of any dividend, and may fix a day for closing the same, of which seven days' notice shall be given in the *Government Gazette.*

XXII. The Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any share is subject; and the receipt of the person in whose name any share stands in the books of the Company, or in the case of a minor, idiot, or lunatic, the receipt of the guardian or committee, or where the share stands in more than one name, the receipt of the person whose name stands first, shall be a sufficient discharge to the Company for any dividend or other sum of money payable on account of such share, whether or not the Company had notice of any such trust; and the Company shall not be bound to see to the application of any money paid on such receipt.

XXIII. Every such Registered Company shall sue and be sued by the registered name of the Company, as if it were an incorporated Company, and in no other manner; and service of any writ, order, or other process or notice on a Registered Officer of the said Company, at one of their usual places of business, or, if he cannot be found, in such manner as the Supreme Court in which such Company is registered shall order and direct, shall be good service on such Company.

XXIV. In any indictment or information for any theft or embezzlement of the monies or goods of any such Registered Company, or for any other offence commit-

ted against them or their property, or with intent to defraud or injure them, and in any proceeding in which it may be necessary to name them, they may be described by the registered name of the Company.

XXV. In any suit brought or proceeded with in the name of any such Registered Company, the plaintiffs shall be liable to be nonsuited unless it is proved on their part that the suit is brought or proceeded with by direction of one or more of the partners appointed at a general meeting to be Directors of the Company, or by the direction of some person or persons having authority from the Directors to bring suits on behalf of the Company; and such proof may be given either by filing a warrant to sue signed by such Director or person and supported by affidavit, or in such other manner as shall be consistent with the practice of the Court.

XXVI. No such suit, indictment, information, or other proceeding shall abate or be prejudiced by any change of the persons constituting the partnership, or of the Directors, or of the person having such authority.

XXVII. No suit by or against the Company shall be in anywise affected by the defendant or plaintiff therein being or having been a Shareholder of the Company: but any such Shareholder, either alone or jointly with any other person or persons as against the Company, or the Company as against any such Shareholder, either alone or jointly with any other person or persons, shall have the same right of action, remedy, and execution, in respect of any claim whatever, as the Shareholder or Company would have had, if the Shareholder had been a stranger.

XXVIII. All unpaid capital, or money due on account of the Capital Stock of the Company, shall be deemed a debt due to the Company, and shall be recoverable as such by the description of money due by the defendant, on account of a share in the business of the Company.

XXIX. A Registered Company, which shall commit any act which is hereby deemed an act of forfeiture, shall be liable to the jurisdiction of the Court for Relief of Insolvent Debtors, and a petition to the said Court in the case of such Company shall be prosecuted in the same manner as petitions in the case of Insolvent Debtors: and in case of an adjudication of forfeiture the law and practice of the said Court, with such alterations of the practice as, from time to time, shall seem to the Court necessary, shall be extended to the case of such Company, as in the case of an adjudication of insolvency in the case of an Insolvent Debtor.

XXX. An adjudication of forfeiture against any such Company shall not be deemed an act of insolvency of the individual members of such Company.

XXXI. An adjudication of forfeiture against such Company shall convey to the Assignee or Assignees appointed the whole of the real and personal property of the said Company, and all debts, causes of suit, and possibilities of interest, with

the like power to sue either at Law or in Equity, as fully and effectually as an adjudication of insolvency against any individual could convey the same by any of the laws now in force or hereinafter to be in force affecting insolvents.

XXXII. Whenever an adjudication of forfeiture shall have issued against any such Company, the Assignee or Assignees, from time to time, may compromise any debts or claims belonging to the said Company, and may grant discharges to the parties to such compromises.

XXXIII. Whenever the Directors of any Registered Company shall be unable to meet the engagements of the Company, they shall, at a special meeting of the Directors convened for that purpose, and by such a number and majority of them as would be sufficient for any ordinary business of the Company, declare such inability by a resolution, which being signed by the Directors by whose votes it has been carried, shall be forthwith published in the *Government Gazette* of the Presidency; and for two calendar months after the publication of such resolution, but not later, such resolution shall be deemed an act of forfeiture of their privileges for the sole purpose, nevertheless, of supporting a petition to the Court for Relief of Insolvent Debtors in case a petition shall be filed within two months after the date of the publication thereof as aforesaid, but not afterwards.

XXXIV. Any Registered Company which shall not, within two months after judgment and the issue of a writ of execution thereof, satisfy such judgment, shall be deemed to have committed an act of forfeiture, and thereupon the execution creditor, or any creditor to whom such Company shall be indebted to the amount of Company's Rupees Five Hundred, or any two creditors to whom such Company shall be indebted to the amount of Company's Rupees Seven Hundred, or any three or more creditors to whom such Company shall be indebted to the amount of Company's Rupees One Thousand, may present a petition to the Court for the Relief of Insolvent Debtors at the Presidency within which such Company is registered, stating the amount due to such creditor or creditors, and the registry and act of forfeiture of such Company, and praying such Court would proceed as if such Company or the Shareholders thereof had petitioned such Court for relief under the laws in force for Relief of Insolvent Debtors; whereupon the Court shall enquire into the truth of such petition, and if such Court shall be satisfied thereof, such Court shall adjudge the same to be true, and that such Company has committed an act of forfeiture, and proceed thereon pursuant to the provisions of the Act for the Relief of Insolvent Debtors in India, and of this Act.

XXXV. Upon the filing of any petition to the Court for Relief of Insolvent Debtors in the case of any Registered Company, whether by a Shareholder or by a Creditor, the Court shall make the like vesting order for the purpose of vesting all

the real and personal estate of the Company in the Official Assignee, and such other orders ancillary thereto as the Court might make in case of an individual insolvent debtor, and all the powers and authorities of the said Court, and all the laws relating to insolvent debtors shall, so far as the circumstances of the case admit, be extended to all such Registered Companies.

XXXVI. Whenever there shall be an adjudication of forfeiture against any Registered Company, the Directors of such Company at the time of filing the petition shall be subject to the orders of the said Court for the Relief of Insolvent Debtors, and it shall be their duty individually or collectively to prepare such balance sheet and other accounts as the Court may deem necessary, and to assist the Official Assignee in the examination and closing of all the affairs of the Company; and every Director and person who shall at any time have been a Director of the Company shall be liable to be examined upon oath, and to make full and true discovery of the estate and effects, past and present, and business, affairs, and interests of the Company, either orally or upon written interrogatories, as the Court may order.

XXXVII. Upon the adjudication of forfeiture against any Registered Company, the claims of any creditor of the Company against the Shareholders shall not be enforced otherwise than under this Act, except in respect of any special contract, or any debt or liability contracted by any Shareholder in his individual capacity, otherwise than by taking a share in the business of the Company.

XXXVIII. As soon after an adjudication of forfeiture against any Company as the Official Assignee can make an approximate estimate of the amount of the debts and other claims against the Company, or of any certain portion thereof, the said Court, on the application of the Official Assignee, shall order such sum to be raised by contribution of the Shareholders as may appear to the said Court necessary for the satisfaction of such debts and claims; and may from time to time order such further sum to be raised in like manner as may appear necessary: and upon obtaining such order the Official Assignee shall assess the said sum ratably amongst the Shareholders according to the number of shares held by them respectively, and immediately proceed to collect the same; and monthly or oftener shall report defaulters to the said Court together with the amounts at which they were assessed respectively, and thereupon the said Court, if satisfied that the said assessment is just, shall order the payment of such assessment within such time and upon such notice or demand by advertisements or otherwise, as the Court may see fit; and non-payment thereof within the time ordered by the Court shall be an act of insolvency of the defaulting Shareholders; and the said Assignee, or any person being a creditor of the said Company to the amount of Company's Rupees Five Hundred, or any two creditors to whom such Company shall be indebted to the amount of Company's Rupees Seven Hundred, or any three or more creditors to whom such Company shall be indebted to

the amount of Company's Rupees One Thousand, may present a petition to the Court for the Relief of Insolvent Debtors of the Presidency within which the said Company is registered, stating such act of insolvency, and praying that such defaulting Shareholder may be adjudged to have committed an act of insolvency, and upon such petition being duly verified, the Court shall be empowered to adjudge that such defaulting Shareholder has committed an act of insolvency, and the Court for Relief of Insolvent Debtors in the Presidency in which the defaulter is resident may proceed thereon according to the provisions of the Act for the Relief of Insolvent Debtors in India.

XXXIX. The Shareholders of untransferred shares whose names are in the last general memorial, including those (if any) who have been subsequently returned as Shareholders of the Company, shall be liable and be called upon in the first instance to satisfy the debts of the Company; but in case it shall appear to the said Court that full satisfaction cannot, within such time as may appear reasonable to the Court, be otherwise obtained, such other persons as at any time within three years next before the adjudication of forfeiture shall have been returned in any memorial as Shareholders of the Company shall be liable to contribute to such amount collectively as the Court may order; and upon every order for contribution from former Shareholders, the Official Assignee shall proceed as hereinbefore prescribed in the case of present Shareholders.

XL. In fixing the sum to be raised from time to time by assessment of the Shareholders, it shall be in the discretion of the Court to make such allowance for unrealized assets of the said Company, as the Court may deem just.

XLI. No such assessment shall be deemed erroneous or set aside merely by reason of its being in excess of other assessment ratably considered, if the same be needed for satisfaction of any creditor of the said Company, and any such assessment may be reduced, when expedient, by order of the Court.

XLII. If on realizing the assets of the Company a balance shall remain, after payment of the debts and other claims against the Company, the said Court may order the re-payment out of such balance, first, of such sums or ratable parts thereof as have been paid by any Shareholders not liable in the first instance to satisfy the debts of the Company; and secondly, of such sums or ratable parts thereof as have been paid by any other Shareholders in excess of their ratable liability, according to the number of their shares, regard being had to the number of other assessed Shareholders; and lastly, if such a balance shall not thereby be exhausted, the said Court may order the distribution of the remainder thereof among the Shareholders by the Official Assignee upon a scheme or plan to be submitted to and approved by the said Court, or may order the same to be paid to the Accountant General

of the said Court to the credit of the said Company, to abide such proceedings as any parties interested therein may take at Law or in Equity: and any order of the said Court for the disbursement of money shall be a sufficient authority to the said Official Assignee to protect him against all claims in respect of such disbursement by any Shareholder or Creditor.

XLIII. If any Registered Company which carried on its business before registration shall incur an adjudication of forfeiture before it has been registered for three years, such persons as are not registered Shareholders but were Co-partners or Shareholders thereof at any time before the registration of the Company but within three years before the filing of the petition for relief, shall be liable to contribute to the debts of the Company in like manner as if they were on the first memorial of the Shareholders of the Company.

XLIV. Whenever it shall appear to the Court for Relief of Insolvent Debtors that the aid of a Court of Equity will be necessary for closing the affairs of any Registered Company, against which an adjudication of forfeiture has been made, the said Court may order the Official or other Assignees to take proceedings in the Supreme Court in Equity, by bill, or by petition for the like relief as might be had by bill, and the said Supreme Court shall have power on such petition to make such original and subsequent orders as upon a bill filed, and such orders shall have the same effect and be executed in the same manner as decretal orders.

XLV. The said Supreme Court may likewise on petition of any Shareholder having any claim against any other Shareholder, in respect of the affairs of the Company, make such order as it may deem just for settling such claim between such Shareholders.

XLVI. Whenever any Shareholder in a Registered Company, which shall have been adjudged to have incurred forfeiture, shall be adjudged an insolvent, either on his own petition, or under the provisions aforesaid, or otherwise, the Assignee or Assignees of such Registered Company, shall be entitled, from time to time, to rank as a creditor on the estate of such insolvent, for such ratable contributions, as the Court for the Relief of Insolvent Debtors shall, from time to time, appoint to be paid by such insolvent Shareholder.

XLVII. After the affairs of any such Registered Company against which there has been an adjudication of forfeiture are closed under this Act, the Company shall forfeit all its privileges under this Act, and the partnership shall be dissolved.

SCHEDULE.

I———of———in consideration of———paid to me by———of———do hereby transfer to the said———the share (or shares) numbered———in the business called The———to hold unto the said———his [or her] Executors, Administrators

and Assigns, subject to the Conditions of the Partnership Deed of the ——Company, registered in the Supreme Court of Judicature at———, and the other Conditions in which I held the same: And I the said———do hereby agree to take the said share (or shares) subject to the same Conditions: As witness our hands and Seals, the———day of———in the year——

Witness

A. B. L. S.

C. D. L. S.

ACT No I. OF 1851.

Passed on the 7th February 1851.

For the appropriation of fines levied under Act XXIV. 1845.

It being reasonable and just that the amount of all fines levied under Section V. Act XXIV. 1845, should go toward defraying the expenses attending the holding of Courts under the said Act; It is enacted as follows:—

I. All fines imposed and levied under Act XXIV. 1845, shall be paid into the Government Treasury to the credit of the Marine Department of the Presidency of Fort William in Bengal, and shall be applicable in discharge of expenses connected with the summoning and holding of Courts and other proceedings under the said Act.

ACT No. IV. OF 1851.

Passed on the 25th April 1851..

AN ACT for the appointment of uncovenanted Deputy Magistrates, and for defining the duties of Deputy and Assistant Magistrates in Bombay.

Whereas the adminstration of justice will be improved by extending the provisions of Act XV. 1843, to the Presidency of Bombay, and by more exactly defining the powers of Assistant Magistrates; It is enacted as follows:—

I. So much of Act XIV. 1835, as empowers the Governor of Bombay in Council to confer on any Assistant Magistrate, by a special order, any of the powers of a Magistrate, is repealed.

II. The Governor of Bombay in Council may appoint to any Zillah or District one or more uncovenanted Deputy Magistrates, with the powers hereinafter specified.

III. Every person appointed to the office of Deputy Magistrate under this Act shall, before entering upon the execution of the duties of his office, make and subscribe before one of the Courts of Record established in the said Presidency, (or in the Zillah to which he is appointed) a declaration to the same effect as the oath required by law to be taken by Magistrates, which declaration shall be deemed to be made under Act XXI, 1837.

IV. A Deputy Magistrate appointed under this Act, or an Assistant Magistrate, may be employed as a judicial officer, or as an officer of Police or both, at the discretion of the Governor of Bombay in Council. As a judicial officer, he shall exercise the powers of a covenanted Assistant, under Section III. Regulation XII. 1827, Regulation IV. 1830, Regulation VIII. 1831, of the Bombay Code, and Act XXV. 1839, or the full powers of a Magistrate, when specially authorized by the Governor of Bombay in Council; and, in such cases, he shall be subject to such authority in regard to appeals from his decisions and judicial orders as is provided under the above-mentioned Regulations for the decisions and orders of a covenanted Assistant or of a Magistrate respectively. As an officer of Police, he shall be in all respects subordinate to the Magistrate under whom he is placed; he shall exercise such executive powers only as the Governor of Bombay in Council or the Magistrate, with the sanction of the Governor of Bombay in Council, commits to him, and shall obey all lawful orders so issued, and perform all duties so assigned to him by the said Magistrate, who shall be at all times competent, subject to such orders as he receives from time to time, from the Governor of Bombay in Council, to extend, limit or resume the executive powers committed to such Assistant or Deputy.

V. Nothing in this Act contained shall be held to disqualify any uncovenanted Officer in the Revenue and Judicial Departments from holding, at the same time with any other office, the office of Deputy Magistrate.

VI. A Deputy Magistrate appointed under this Act shall not be dismissed from office for misconduct, without the sanction of the Governor of Bombay in Council. Whenever there is reason to believe, that a Deputy Magistrate is disqualified, by neglect, incapacity, corruption or other misbehaviour, for continuance in office, a report shall be made by the Magistrate for the consideration and orders of the Governor of Bombay in Council, who shall be competent to suspend such Deputy Magistrate, and order a further enquiry into his behaviour, or order his immediate dismissal, as appears just and proper.

Act No. VII. of 1851.

Passed on the 13th June 1851.

To amend the law of the Bombay Presidency relating to execution of Decrees.

Whereas it is necessary to amend the Law of the Bombay Presidency, relating to execution of Decrees; It is enacted as follows:—

I. Clause 2nd, Section LXI, Regulation IV. and Clause 3rd, Section VII. Regulation XXIX. 1827, of the Bombay Code, are repealed.

II. Decrees in Civil Suits, whether original or in appeal, shall be executed by the Court in which the original Decree was passed, and every application for execution of a Decree shall be made to the Court in which the Decree was originally passed.

Act No. IX. of 1851.

Passed on the 11th July 1851.

An Act for the prevention of Gambling in Bombay.

Whereas the vice of Gambling has of late years much increased, and many gaming houses have been established within the Town and Island of Bombay, for suppression of which the laws now in force are inadequate; It is enacted as follows:—

I. So much of Article II. of Title Fifth of a Rule, Ordinance and Regulation passed by the Governor of Bombay in Council on the 11th day of April 1827, and registered in the Supreme Court of Bombay on the 22nd day of June 1827, as provides that the Court of Petty Sessions shall exercise jurisdiction over common gamblers who shall not give a satisfactory account of any other means of livelihood, is repealed.

II. Every person who, within the Town and Island of Bombay, shall keep a common gaming house, or any room, or other place used for the purposes of a common gaming house, or who shall have the care or management thereof, or shall in any manner conduct the business of any such common gaming house, either as Banker, Shroff, Croupier or otherwise, shall, on conviction before the Court of Petty Sessions, be punishable by fine not exceeding One Thousand Rupees, or, in the discretion of the said Court, may be imprisoned with or without hard labour for any period not exceeding six Calendar months.

III. And, whereas it may be doubted, whether or not certain houses or rooms alleged or reputed to be opened for the use of the subscribers only, or not open to all persons desirous of using the same, are to be deemed common gaming houses, it is declared and enacted that, in default of other evidence proving any house, room,

or place to be used as a common gaming house, it shall be enough, in support of the allegation in any information or indictment that any house, room, or place is a common gaming house, to prove that such house, room, or place is kept or used for playing therein at cards, dice, or any unlawful game, and that a bank is kept there by one or more of the players exclusively of the others, or that the chances of any game played therein are not alike favourable to all the players, including among the players, the banker or other person by whom the game is managed, or against whom the other players stake, play or bet; and every such house, room, or place shall be deemed a common gaming house.

IV. Every person who shall be found in any such common gaming house, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or who shall be found there present during such playing or gaming, or for the purpose of gaming, or who shall be found gaming with cards, dice, counters, money, or other instruments of gaming in any street or public place or thoroughfare within the said town and island, whether playing for any money, wager, stake, or otherwise, shall be punishable, on conviction before the Court of Petty Sessions, by fine not exceeding Five Hundred Rupees; or in the discretion of the said Court, may be imprisoned with or without hard labour for any period not exceeding three calendar months.

V. Any Magistrate of Police, upon information laid before him on oath that there is a reason to suspect any house, room, or place within the said town and island to be used as a common gaming house, may, by his warrant, give authority to any Constable of Police in the town and island of Bombay to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to take into custody all persons whom he finds therein, whether or not then actually gaming; and to seize all instruments of gaming, and all monies and securities for money found therein, and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed; and to search also the persons of those whom he so takes into custody, and to seize and take possession of all cards, dice, counters, and other instruments of gaming which he shall find upon such search.

VI. When any cards, dice, gaming table or cloth, or other instruments of gaming are found in any house, room, or place of which information has been given on oath to a Magistrate of Police, that it is suspected of being used as a common gaming house, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room, or place is used as a common gaming house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Constable or any of his Assistants.

VII. On conviction of any person for keeping or being present for the purpose of gaming in any common gaming house, all the instruments of gaming found therein shall be destroyed by order of the Court of Petty Sessions, which shall also order all, or any of the securities for money, and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all monies seized therein, to be forfeited, or in its discretion may order any part thereof to be returned to the parties appearing to have been severally thereunto entitled.

VIII. Any Officer of Police may arrest without warrant all persons whom he may see in the act of gaming in any street or public place or thoroughfare in the said town or island, and seize all cards, dice, counters, and instruments of gaming which he finds in their possession, which, on conviction of any of the parties, shall be destroyed by order of the Court.

IX. It shall not be necessary, in order to convict any person of keeping a common gaming house, or of being concerned in the management of any common gaming house or gaming table, to prove that any person found playing at any game was playing for any money, wager, or stake.

X. Any person who shall have been concerned in any unlawful gaming, and who shall be examined as a witness before the said Court of Petty Sessions, on the trial of any person or persons for a breach of any of the provisions of this Act, and who upon such examination shall make true and faithful discovery to the best of his or her knowledge of all things as to which he or she shall be so examined, and who shall thereupon receive from the said Court a certificate in writing to that effect, shall be freed from all prosecutions under this Act for any thing done before that time in respect of such unlawful gaming.

XI. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill played at Hotels or Taverns licensed by the Collector of Land Revenue, and the Senior Magistrate of Police under Act XVIII. of 1840, or in any place of public resort licensed by the Court of Petty Sessions under Act XIV. of 1842.

XII. Every person who shall by any fraud or unlawful device or ill-practice in playing at or with cards, dice, or other game, or in bearing a part in the stakes, wagers or adventures, or in betting on the sides or hands, of them that do play, or in wagering on the event of any game, sport, pastime, or exercise, win from any other person for himself, or any other or others any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence, with intent to cheat or defraud such person of the same, and being convicted thereof shall be punished accordingly.

XIII. No conviction or other proceeding before the said Court of Petty Sessions under this Act shall be quashed, or set aside or adjudged void or insufficient for want of form, or be removed by Certiorari into Her Majesty's Supreme Court.

XIV. All fines imposed under this Act shall be recovered under Act II. of 1839.

XV. The Court of Petty Sessions shall on conviction have power to direct any portion, not exceeding one-fourth of any fine which shall be levied under the provisions of this Act, or any part of the monies or proceeds of articles seized in any common gaming house and ordered to be forfeited, to be paid to an informer, and the balance of such fines and monies or the whole thereof, as the case may be, shall be applied to the use of the Municipal Fund under Act XI. of 1845.

Act No. X. of 1851.

Passed on the 18th July 1851.

To amend Act XX. of 1841 for the Administration of personal Estate of deceased persons.

For amendment and extension of the power to grant Certificates of Administration of the personal Estate of deceased persons under Act XX. of 1841; It is enacted as follows:—

I. In case of disputes among persons, claiming to be jointly entitled to be proprietors of any public Securities of the East India Company, as the representatives of any deceased person, the District or Zillah Judge, whenever sufficient cause shall be shown to him, and on the request of any such claimant, may grant a Certificate of Administration of the personal Estate of the deceased, so far as concerns the said Securities, according to Act XX. of 1841, to such person as shall be from time to time appointed by the Governor of Bengal, and Governors of Madras and Bombay in Council respectively, to act as Trustee under this Act; and shall specify in such Certificate the several persons appearing to him to be such proprietors, and their several shares; and the said Trustee, by virtue of such Certificate, shall be entitled to receive and give discharges for the interest accruing due on such Securities; and shall account for, and pay the sum to the several persons specified in the Certificate to be thereunto entitled, according to the shares therein set forth; and shall be empowered to act in all other respects concerning the said Securities as Agent for such persons; and shall be entitled to the same rate of Commission upon all such transactions as is allowed to the Government Agent for the time being on the like transactions, as Agent of the public creditors of the East India Company, by any Regulations from time to time made by the Governor General of India in Council: Provided nevertheless that the right of any other person to recover the whole or any part of the monies so paid, by regular suit against all or any of the persons to whom the same have been paid, shall not be affected by this Act.

II. If any such disputes, among persons claiming to be proprietors of public Securities of the East India Company, are not ended within two years from the date of the Certificate of Administration granted by any District or Zillah Judge, the said Trustee may apportion the principal sum of the said Securities rateably among the parties appearing from the aforesaid Certificate to be proprietors thereof, and may apply for and receive new Securities from the proper Officer appointed to issue the same, in the respective names of the several parties certified to be entitled thereto; provided that such new Securities shall be issued only according to the rules in use for the regulation and issue of such public Securities; and the receipt of the said Trustee for such new Securities, by endorsement on the old Securities or otherwise, shall be a legal discharge to the East India Company against the disputing parties claiming to be entitled to the several amounts for which such Securities shall be issued: Provided always that if the amount of any Securities in dispute or any part thereof, shall not be sufficient to admit of their rateable division according to the Rules applicable to the issue of such Securities, the said Trustee may sell, and dispose of the disputed Securities, or such part as shall be necessary under this provision, and apportion the proceeds thereof among the parties entitled to receive the same.

III. Every such Certificate, granted to the Trustee appointed under this Act shall be taken to supersede and annul any previous certificate given of a half or any other share in the said personal Estate, so far as concerns the said Securities.

IV. As regards Residents in Foreign States, out of the jurisdiction of British Courts of Justice, a Certificate of Administration to personal Estates granted by the British Representative accredited to that State, or as regards the Residents in any district to which Act XX. of 1841 does not extend, such Certificate granted by the British Officer in that district, holding the highest executive authority, shall have the same effect, as regards public Securities of the East India Company, as a Certificate granted to a native subject of Her Majesty under the provisions of Act XX of 1841, as amended by this Act.

V. This Act shall be construed with and as part of Act XX. of 1841.

Act No. XIV. of 1851.

Passed on the 21st November 1851.

VIII. Every keeper of any House or Shop registered under this Act, who shall allow any person to gamble therein, or in whose house any person shall be found gambling, shall forfeit a penalty not exceeding Twenty-five Dollars.

Act No. XVI. of 1851.

Passed on the 26th December 1851.

An Act for the trial of Receivers of Stolen Property.

For the trial of Receivers of Stolen Property where the Principal is tried or where the Property is found in their possession, or where the receiving takes place; It is enacted as follows:—

I. Every person who receives any Chattel, Money, Valuable Security, or other Property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, may be dealt with, indicted, tried, and punished in any place in which he shall have, or shall have had, any such Property in his possession, or in any place in which the party guilty of the principal felony or misdemeanor may by law be tried, or in the place where he actually received such Property.

Act No. I. of 1852.

Passed on the 2nd January 1852.

XX. Spirits exported from any port subject to the Government of the East India Company, and imported at any other port subordinate to the Government of Bombay, shall be liable on importation to the same rate of duty as may be fixed on spirit of country manufacture by Schedule A. annexed to this Act, or by any future enactment: Provided always, that if the said spirit be accompanied by a document signed by competent authority, certifying that a duty, whether of customs or otherwise, has been paid on the said spirit to the East India Company, credit shall be allowed for the sum so paid in settling the customs at the port of import; and if such sum equal or exceed the full amount of customs leviable on spirits of country manufacture under Schedule A. aforesaid, or any future enactment, then the spirit on which such duty has been paid shall be admitted to free entry.

XXI. The Governor in Council may direct that an anchorage toll shall be levied at any port or ports within the Bombay Presidency on all vessels arriving from any other port or ports which may be specified by the said Governor in Council, and such anchorage toll shall be levied at such port or ports on every such vessel on each arrival of such vessel at the rates specified in Schedule C. annexed to this Act: and the said Schedule shall be taken to be part of this Act.

SCHEDULE C.

Anchorage Tolls on Country Craft.

	Candies.		Indian Maunds.		Candies.		Indian Maunds.	Rupees.	Annas.	Pies.
Above	10	=	100	not exceeding	20	=	200	1	0	0
"	20	...	...	...	40		...	1	8	0
"	40	...	...	...	60		...	2	0	0
"	60	...	...	...	80		...	2	8	0
"	80	...	...	...	100		...	3	0	0
"	100	...	...	...	150		...	3	8	0
"	150	...	...	...	200		...	4	0	0
"	200	...	...	...	250		...	4	8	0
"	250	...	...	...	300		...	5	0	0
"	300	...	...	...	350		...	5	8	0
"	350	...	...	...	400		...	6	0	0

ACT No. II. OF 1852.

Passed on the 2nd January 1852.

AN ACT for the collection of Land Customs on certain Foreign Frontiers of the Presidency of Bombay.

Whereas it is expedient to provide for the collection of Land Customs on certain Foreign Frontiers; It is enacted as follows:—

I. Duties of Customs shall be levied on Goods passing by land into or out of Foreign European Settlements, situated on the line of Coast within the limits of the Presidency of Bombay, at the rates prescribed in the Schedules of Act I. of 1852, at the ports of that Presidency.

II. The Governor of the Presidency of Bombay in Council may declare, by notice to be published in the Official Gazette of that Presidency, that the Territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil Authorities of that Presidency, shall be deemed to be Foreign Territory, and may declare Goods passing into or out of such Territory, liable either to the Duty fixed by the Schedules of Act I. of 1852 for Goods imported or exported at the ports of that Presidency, or to double the said Duties as the Governor of Bombay in Council may think fit.

III. For the levy of Duties of Customs as above provided on Goods exported by land to, or imported by land from, such Foreign Territories, Customs Stations

may be established at such places as may be determined by the said Governor of Bombay in Council; and every Officer at every such Station shall have power to detain Goods passing into or out of any such Foreign Territory, and to examine and ascertain the quantities and kinds thereof; and such Goods shall not be allowed to pass across the Frontier line out of or into the Territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certificate shewing that the Customs Duty leviable thereupon has been paid.

IV. Any Officer of Sea Customs may receive money on account of Customs and grant certificates of the payment thereof; and any such certificate, being delivered to any Station Officer, shall entitle the Goods therein mentioned to cross the Frontier into or out of the East India Company's Territories, provided that the Goods correspond with the specification thereof contained in such certificates, and that the certificates shew the entire amount of Duty leviable on those Goods to have been duly paid; and if upon examination the Goods brought to any Station be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate; and if the payment of Duty certified therein shall not cover the entire amount of Duty leviable on the Goods, as ascertained at such examination, the Goods shall be detained until further certificate for the difference shall be produced.

V. The said Governor of Bombay in Council shall appoint proper Officers to receive Customs Duties on Goods crossing the Land Frontier of the said Foreign Territories; and the Officers so appointed shall on the receipt of money tendered as Customs Duty, be bound to give any merchant or other person applying for the same a certificate of payment, and to enter therein the specification of Goods, with the values and descriptions thereof, according to the statement furnished by the person so applying; provided only, that the proper Duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

VI. No certificate shall be received at any Station that shall bear date more than thirty days before the date when the Goods arrived at such Station; but any person, who has taken out a certificate from any authorized Receiver of Customs Duties, shall be entitled, at any time within the said period of thirty days, on satisfying such Receiver that such certificate has not been used, and on delivering up the original, to receive a renewed certificate with a fresh date without further payment of Duty.

VII. The said Governor of Bombay in Council may prescribe, by public notice in the Official Gazette of the Presidency of Bombay, by what ways Goods shall be allowed to pass into or out of any such Foreign Territory, as is described in Sections I. and II. of this Act; and after such notice, Goods which may be brought to any Station established on other roads or passes than those so prescribed, shall, if pro

vided with a certificate, be sent back, and if not provided with a certificate, shall be detained, and shall be liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector that his carrying them by that road or pass was from ignorance or accident.

VIII. Goods unlawfully passed, or attempted to be passed unlawfully, across any Frontier, guarded by Stations, between sunset and sunrise, shall be seized and confiscated.

IX. Any Station Officer who shall permit Goods to pass across the Frontier, when not covered by a sufficient certificate, or who shall permit Goods to pass by any road or pass other than the prescribed ways shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six months and to a fine not exceeding five hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

X. Any Station Officer who shall needlessly and vexatiously injure Goods under the pretence of examination, or in the course of his examination, or who shall wrongfully detain Goods for which there be produced a sufficient certificate, shall on conviction before any Magistrate, be liable to imprisonment for any term not exceeding six months, and to a fine not exceeding five hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

XI. All confiscations and penalties under this Act may be adjudicated, by Officers competent to adjudicate, like confiscations and penalties under Act I. of 1852, and such Officers shall be subject to the same liabilities and rules in adjudicating such penalties and confiscations as they are subject to when adjudicating the like confiscations and penalties under the provisions of the aforesaid Act.

Act No. VI. of 1852.

Passed on the 30th January 1852.

An Act for defraying the Cost of a Light-House on Pedra Branca.

Whereas it has been deemed expedient, for the safety and guidance of Ships navigating the China Seas, to build a Light-House on the Island Rock called Pedra Branca, situated at the Eastern entrance of the Straits of Singapore; And whereas certain sums of money were subscribed by private indsividuals for that purpose, but the same were insufficient to defray the expense of building such Light-House; And whereas the East India Company agreed to build such Light-House, and to advance certain sums of money to complete the same, on condition that the said sums of money were repaid to them by the levy of a toll on Ships entering the harbour of Singapore; And whereas the said Light-House has been built by the East India Company, and it is desirable that the expense of building the same, and of maintain-

ing a Light thereon, should be defrayed out of the monies arising from such toll; And whereas it may hereafter be deemed expedient to establish other Lights or beacons in the Straits of Malacca, or elsewhere near thereto; It is enacted as follows:—

I. The Light-House on Pedra Branca aforesaid shall be called "The Horsburgh Light-House," and the said Light-House and the appurtenances thereunto belonging or occupied for the purposes thereof, and all the fixtures, apparatus, and furniture belonging thereto, shall become the property of, and absolutely vest in, the East India Company and their successors.

II. From the first day of March 1852, every Ship being of the burden of fifty tons and upwards, which shall arrive at, or enter the harbour or roadstead of Singapore, from any part of the world, shall pay a toll of three cents of a dollar per ton for every ton of her registered burden or tonnage; Provided always that no Ship shall pay such toll more than once in every six calendar months.

III. All Ships of War belonging to Her Britannic Majesty, or any Foreign Government or State, and all armed Ships belonging to the East India Company, shall be exempt from the payment of such toll.

IV. The management and control of the said "Horsburgh Light-House," and of the keeper thereof, and of everything relating thereto, is hereby vested in the Governor of the Straits Settlements.

V. The said Governor may appoint any person he may think fit, to be a Collector of the tolls payable under this Act.

VI. Out of the funds raised by such tolls, an efficient Light shall be constantly kept up and exhibited during the night-time in and from the said Light-House, and the surplus monies arising from such tolls, after deducting the expense of maintaining such Light as aforesaid, shall, from time to time, be paid over to the said East India Company, in liquidation of the monies they have advanced towards the erection and completion of the said Light-House, and the apparatus and furniture thereof.

VII. The toll to be levied under this Act shall become due and payable immediately on the arrival of every Ship liable thereto within the harbour or roadstead of Singapore; and, immediately on the arrival of any such Ship within the said harbour or roadstead, the Collector appointed under this Act shall demand, or cause to be demanded, from the Master or other person in command of such Ship, payment of the toll of three cents of a dollar per ton for every ton of the rgistered burden or tonnage of such Ship, and if the same be not paid within two days after such demand made as aforesaid, or if, at any time after the arrival of such Ship as aforesaid the said Collector shall have cause to suspect, or believe, that such Ship will immediately leave the said harbour or roadstead without paying such toll, it shall be lawful for any Justice

of the Peace, upon an affidavit to that effect being made before him on oath by such Collector (which oath the said Justice is hereby authorized to administer), to issue his Warrant under his hand, directed to any Peace Officer of Singapore aforesaid, to enter on board such Ship and to seize and carry away any of the Goods, Merchandize, Guns, Tackle, Apparel or Furniture of or belonging to or on board such Ship, and to keep the same for the space of three days then next, unless the said toll shall be in the mean time paid; and in case the amount of the toll due by such Ship shall not before the expiration of such three days, have been paid, then the said Collector may cause the said Goods, Merchandize, Guns, Tackle, Apparel or Furniture so seized to be sold, and out of the proceeds of such sale shall pay the amount of the said toll to which such ship shall be liable, together with the reasonable charges of the seizure, detention, and sale, rendering to the Master or Owner, or other person having the command of such Ship, the overplus (if any) on demand.

VIII. The Officer of Government whose duty it shall be to grant a Port-clearance for any Ship clearing out of or leaving the port of Singapore aforesaid, shall refuse to grant such Port-clearance to any Ship until the Owner, Agent, Master or other person in command of such Ship shall produce a certificate from the Collector appointed under this Act that such Ship has paid the amount of toll to which she is liable under this Act.

IX. Notwithstanding anything in this Act contained, the said Collector appointed under this Act, may sue for and recover the amount of any tolls payable to him under this Act, by action of debt or suit in Equity in any of Her Majesty's Courts in India, against the Owner, or Master, or other person who at the time of default made in the payment of such toll, owned or had the command of any Ship liable thereto.

X. In order to ascertain the exact burden or tonnage of any Ship liable to pay the toll leviable under this Act, the Collector appointed under this Act may apply to any Justice of the Peace to require, and such Justice of the Peace shall thereupon summon and require the Owner, Master, or other person in command of such Ship, or any person having possession of the same, to produce the register of such Ship for the inspection of such Justice, and upon the refusal or neglect of any such Owner, Master, or person to produce such register, it shall be lawful for such Justice to adjudge such Owner, Master, or person to pay a fine not exceeding one hundred dollars, and in default of payment, to be imprisoned in Her Majesty's Gaol for any period not exceeding two calendar months.

XI. When and so soon as the monies to be advanced by the said East India Company towards the erection and completion of the said Light-House shall have been fully repaid and liquidated in manner herein provided for, it shall be competent

for the Governor of the Straits Settlements to build, or cause to be built, one or more other Lights or Beacons for the safety and guidance of Ships in such part or parts of the Straits of Malacca, or near thereto, as shall be deemed expedient, and the cost thereof, and of maintaining the same, and of keeping up and exhibiting a Light or Lights therefrom, shall be defrayed out of the surplus monies arising from the toll payable under this Act, after defraying the current expenses of maintaining the "Horsburgh Light-House" aforesaid.

XII. Nothing in this Act contained shall be construed to authorize the levy of a toll upon any Ship passing through the Straits of Singapore and not entering the said harbour or roadstead of Singapore aforesaid.

XIII. The word "Ship" throughout this Act mentioned, shall be held to mean and include a Schooner, Cutter, Brig, Brigantine, Barque, Junk, Steam-Boat, and every other Vessel, as well as a Ship; and words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number, and words importing the masculine gender shall extend to females, unless there be something in the subject or context repugnant to such construction.

Act No. X. of 1852.

Passed on the 6th February 1852.

For constituting Commissioners for the Improvement of the Town of Calcutta.

Whereas Act XVI. of 1847, for constituting Commissioners for the Improvement of the Town of Calcutta, has been found inconvenient and ineffectual for the intended purposes thereof; It is enacted as follows:—

I. Act XVI of 1847 is repealed, except as to any thing done, or forborne to be done, under the said Act before the passing of this Act, but not so as to revive Act XXIV. of 1840. Provided always, that the taxes leviable under Act XVI. of 1847, on the owners or users of Carriages, Carts, and Horses, may still be assessed and imposed on such owners or users for the last Quarter or part of a Quarter previous to the passing of this Act; and all taxes and arrears of taxes, assessed and imposed on the owners or users of Carriages, Carts, and Horses under Act XVI. of 1847, and not collected at the time this Act comes into operation, may be levied and recovered as if the said Act XVI. of 1847 were not repealed.

II. The scheme of election agreed upon by the owners and occupiers of assessed houses, buildings, and lands in each division of the Town, and the rules made by the Commissioners, severally approved by the Deputy Governor of the Presidency of Fort William in Bengal and President of the Council of India in Coun-

cil, in pursuance of the said Act, are rescinded and annulled. Provided always, that all taxes and arrears of taxes assessed and imposed on the owners or users of Carriages, Carts, and Horses under Act XVI. of 1847 and Section I. of this Act, and not collected at the time this Act comes into operation, may be levied and recovered as if the said Rules were not repealed.

III. For the purposes of this Act the Town of Calcutta shall be divided into two divisions, that is to say, a Northern and Southern Division, by a line passing from the river Hooghly at the old Fort Ghaut along the centre of Fairlie Place, Clive Street, the street on the Northern side of Tank Square, Loll Bazaar, Bow Bazaar and Boitaconnah; or such other two divisions as the Governor of the Presidency of Fort William in Bengal, from time to time, may appoint: and, whenever any such new division shall be made, the provisions of this Act, with respect to the divisions herein defined, shall be deemed to apply thenceforth to such new divisions.

IV. There shall be four Commissioners for executing the powers of this Act, who shall be styled the Commissioners for the Improvement of the Town of Calcutta, of whom two shall be appointed by the Governor of the Presidency of Fort William in Bengal, and two shall be elected as herinafter provided, that is to say, one of each division of the said Town.

V. The Commissioners shall enter upon their office on the First day of January in each year, and shall hold their office regularly for one year, or until their successors are duly constituted; and until the first constitution of Commissioners under this Act, the Commissioners now acting in the execution of the said Act XVI. of 1847, shall exercise the powers of this Act, and shall be deemed Commissioners under this Act.

VI. Every person is entitled to one vote in the election of a Commissioner under this Act who is the owner of a house, building, or ground in either division of the said Town, and is assessed at not less than ten Rupees' tax in the whole for a quarter of a year, in respect of such house, building, or ground, and who, on or before the 20th day of November, in each year, has paid all such taxes due from him up to the last day of July in the same year.

VII. Every person is entitled to one vote in the election of a Commissioner under this Act who is the occupier of any house, building, or ground in either division of the said Town, and who pays a monthly rent of not less than Rupees seventy in respect of such house, building, or ground.

VIII. Each voter is entitled to vote in that division only in which he is assessed to the amount which constitutes his qualification; but any person who is assessed or pays rent to the qualifying amount in each division, may be entitled to vote in both. No person shall be entitled to two votes in any one division by reason of his

being both an owner and occupier to the qualifying amounts respectively in such division.

IX. All elections under this Act shall be under the management of the Sheriff of Calcutta, who shall appoint a sufficient number of Deputies to help him in presiding thereat: and every Deputy, while so acting for the Sheriff, shall have the same powers and the duties as the Sheriff with respect to the division for which he is acting.

X. The elective Commissioners shall be chosen yearly, on a day between the First and Twentieth days of December, to be appointed in each year by the Sheriff of Calcutta, of which day, and also of the place of election, the Sheriff shall give notice, by advertisement in the *Calcutta Gazette*, Fifteen days at least before the day of election.

XI. The place of election for each division of the town shall be the Town Hall of Calcutta, or such other place as the Sheriff, with the sanction of the Governor of the Presidency of Fort William in Bengal, shall, from time to time, appoint.

XII. The voting shall begin at eight of the clock in the morning, and end at five of the clock in the afternoon of the appointed day.

XIII. Every person qualified to vote in the election, and none other, is qualified to be a candidate for election as a Commissioner.

XIV. Every candidate shall, ten days at least before the day of election, give notice thereof in writing to the Sheriff, naming the division for which he is a candidate; and shall at the same time produce to, and leave with, the Sheriff a certificate from the Secretary to the Commissioners that he is qualified to be a candidate, which certificate the Secretary shall be bound to give without fee or charge, on personal application, to any person duly qualified.

XV. All expenses of the election of Commissioners, including the expense of advertising the time and place of election, shall be defrayed by the candidates; and every candidate shall, at the time when he produces to the Sheriff his certificate of qualification, deposit with the Sheriff the sum of two hundred Rupees toward the expenses of the election, and in default thereof shall not be qualified to be elected.

XVI. If the whole amount so deposited shall not be spent by the Sheriff in such election, the residue shall be returned to the candidates in equal proportions; and if the whole amount so deposited is not enough to defray the expense of such election, the Sheriff shall be entitled to receive from each candidate his proportionate share of the surplus expense, and in default of payment may sue for and recover the same, as money spent on behalf of such candidate.

XVII. The Commissioners shall cause to be prepared, in each year, correct alphabetical lists of the owners qualified to vote in each division of the Town, and

also an alphabetical list of the occupiers qualified to vote in each of the said divisions, who shall, on or before the First day of November in each year, apply to the Commissioners to have their names entered in such lists, and the said lists shall be open for inspection at the office of the said Commissioners, on or before the First day of December in each year, during all reasonable hours of the day, until the day of election, when the said lists, or copies thereof, shall be taken to the place of election for the use of the Sheriff and his Deputies.

XVIII. The Secretary to the Commissioners, on the written application of any person qualified to vote as aforesaid, signed by himself, specifying the division, street and number, or other description of every house, or building, or the land in respect of which the claim is made, and delivered to the Secretary on some day between the 1st and 30th day of November, both inclusive,—with, where the applicant is an owner, the receipted assessment bills, shewing that the applicant has paid the taxes required by this Act to qualify him to vote, or with, where the applicant is an occupier, the receipted rent bills, shewing that such occupier has paid the rent required by this Act to qualify him to vote,—shall give to such person a voting ticket, according to his qualification. The voting tickets shall be numbered and signed by the Secretary to the Commissioners, and shall be in one of the forms contained in the first Schedule annexed to this Act, or in such other form as shall be, from time to time, adopted by the Commissioners, with the approval of the Government of the Presidency of Fort William in Bengal; the Secretary to the Commissioners shall keep a Register of such voting tickets, which shall specify the number of each voting ticket, the name of the voter, and the premises in respect of which such voting ticket is given, and the said Secretary, on the day of election, shall take the said Register to the place of election, for the use of the Sheriff and his Deputies.

XIX. The voting ticket shall be conclusive evidence that the person named therein is entitled to vote at the next election of a Commissioner in the division for which the ticket is given, according to the tenor thereof.

XX. At the time and place appointed for the election, the Sheriff or his Deputies shall attend with two closed boxes, with openings in each box for the reception of voting tickets and distinguished from each other, by having marked or painted legibly, in English and Bengallee characters, the word "Northern" on one box, and the word "Southern" on the other.

XXI. Every voter, having obtained his voting ticket in each division in which he is qualified to vote, and having written thereon the name of the candidate for whom he wishes to vote, and having signed the same, shall personally attend at the place of election, and shall deliver his voting ticket to the Sheriff, or one of his Deputies presiding at the election for that division, who, on being satisfied of the iden-

tity of the person tendering the voting ticket with the person whose signature it bears, shall deposit such voting ticket in the box of the division.

XXII. The Secretary, Assessors, Collectors, and Collecting Sircars of the Commissioners, and, if required by any candidate, an agent appointed by writing under his hand on his behalf, shall attend at the place of election during the continuance thereof, for the purpose of assisting in identifying the persons who shall tender voting tickets.

XXIII. The decision of the Sheriff, or his Deputy, admitting or rejecting any disputed vote tendered at any election, shall be conclusive as to the reception of the vote.

XXIV. At the close of the poll for any division, the Sheriff or his Deputies, in the presence of the candidates, or such of them as choose to be present, or of scrutineers appointed in writing under their several hands, shall ascertain the number of votes given for each candidate in each division: and the Sheriff shall thereupon publicly declare the name of the candidate in each division for whom the greatest number of votes has been given in such division, and shall declare such candidate to be duly elected a Commissioner for the improvement of the Town of Calcutta.

XXV. If two or more candidates at the head of the poll in any one division of the Town shall have the same number of votes, the Governor of the Presidency of Fort William in Bengal shall appoint one of the candidates, having such equal number of votes, to be one of the elected Commissioners for the Improvement of the Town of Calcutta.

XXVI. The result of every election shall be certified by the Sheriff to the Governor of the Presidency of Fort William in Bengal, who will cause notice thereof to be given in the *Calcutta Gazette*.

XXVII. If any vacancy, from any cause whatever, happens before the month of December in any year among the Commissioners, the Governor of the Presidency of Fort William in Bengal shall appoint a person qualified to be elected to fill such vacancy, and the Commissioner appointed to fill such vacancy shall be a Commissioner as if he had been elected at the then last general election of Commissioners.

XXVIII. The 158th Section of the Act of Parliament passed in the 33rd year of the reign of King George the Third, and numbered Chapter 52, is hereby repealed, and the powers and duties which by the said Act were conferred and imposed on the Justices of the Peace within or for the Presidency of Fort William in Bengal, in regard to the collection, levying, and disbursement of the taxes thereby authorized to be assessed by them on the owners or occupiers of houses, buildings, and grounds, shall be exercised and performed by the said Commissioners, instead of

the said Justice of the Peace; and the powers and duties by Act XXII. of 1847, or any other Act, conferred on or belonging to the Commissioners constituted under the said Act XVI. of 1847 and their Officers, shall be transferred to, and belong to the Commissioners constituted under this Act and their Officers respectively.

XXIX. The Justice of the Peace within and for the said Town of Calcutta shall make a quarterly assessment at the rate of six and one quarter per cent, or one anna in the Rupee, on the owners of houses, buildings, and grounds within the said Town, according to the gross monthly rental thereof, or on the gross monthly rental at which the same might, in the estimation of the said Justices, reasonably be expected to let.

XXX. Of the two Commissioners yearly appointed by the Governor of the Presidency of Fort William in Bengal, one shall be President of the Commissioners. In the absence of the President, such other Commissioners shall act as Chairman of the meetings of the Commissioners as shall be chosen by those present. On all questions on which the Commissioners present are equally divided in opinion, the President shall have a second or casting vote. No meeting of the Commissioners shall be held without twenty-four hours' notice being given to all the Commissioners, and two Commissioners shall be necessary to constitute a meeting.

XXXI. The Commissioners shall severally receive such monthly salaries, not exceeding two hundred and fifty Rupees each to be paid out of the taxes levied under the said Act of Parliament, and Act XVI. of 1847, and this Act, as the Governor of the Presidency of Fort William in Bengal, with the approval of the Governor General of India in Council, shall from time to time appoint.

XXXII. The Commissioners shall appoint a Secretary, subject to the approval of the Governor of the Presidency of Fort William in Bengal, and shall also appoint a sufficient number of Assessors, Collectors, Surveyors, Inspectors, Appraisers, Bailiffs, and such other Officers as they may deem necessary for assessing, collecting. or levying the taxes imposed on the owners or occupiers of houses, buildings, and grounds, under the authority of the said Act of Parliament, and of this Act, and also the taxes and penalties herein mentioned, and may appoint the same persons to act both as Assessors and Collectors, and may prescribe such rules, and take such security for the due execution of the duties of such Secretary and Officers as they may deem expedient; and the Secretary and Officers of the Commissioners shall receive such salaries, to be paid out of the said taxes, as the Commissioners from time to time may appoint, subject to the approval of the said Governor. The Secretary and every other Officer shall be removable at the pleasure of the Commissioners, subject, in the case of the Secretary, to the approval of the said Governor.

XXXIII. All rates and taxes assessed on the owners of houses, buildings, and grounds, and penalties imposed under the authority or colour of the said Act of Parliament, and Act XVI. of 1847, before this Act comes into operation, may be demanded, and if not duly paid, may be levied and recovered by the Commissioners acting under the authority of this Act, in the same manner, and by the same forms, or by forms to the like effect, as if they had been imposed under the authority of this Act.

XXXIV. The owners of houses, buildings, and grounds, within the said Towns, shall pay such sums of money as shall be assessed upon them by the said Justices according to the said rate of six and a quarter per cent., or one anna in the Rupee.

XXXV. Where there is land wholly or partly covered with houses or buildings, which do not belong, or which belong only in remainder or reversion, to the owner of the land, and rent is covenanted to be paid to the owner of the land, wholly or partly irrespective of the value of the said houses or buildings, the said Justices may assess the owner of the land separately, in respect of the land, and the owners of the houses and buildings, according to their value, after deduction of the value of the land, in respect whereof the owner thereof is separately assessed.

XXXVI. The said Justices, in their discretion, may omit from their valuation and assessment any tenement of very small value, unless where there are many such belonging to the same owner, which can be conveniently valued and assessed together.

XXXVII. Where any house, building, or ground, within the said town, has been vacant for sixty consecutive days in any quarter of a year, the rates for that quarter shall be remitted, provided that the owner of such house, building, or land, shall have given notice in writing of the vacancy thereof, to the Secretary of the Commissioners, within seven days next after the day on which it becomes vacant; and if such notice of vacancy be not given within the said seven days, the said rates shall be remitted from the day on which the notice may be delivered to the Secretary.

XXXVIII. The first assessment to be made under this Act shall be made on or after the twelfth day of February 1852, for the months of February, March, and April 1852, and when made, shall be taken to supersede and annul any previous assessment made by the Justices for the same period or any portion thereof; and every following assessment shall in like manner be made prospectively at the commencement of the quarter of a year in which it is made.

XXXIX. The assessment of the taxes specified in this Act shall be made by the said Justices or any of them, but shall in every case require to be confirmed at a subsequent meeting of the said Justices, and the said Justices shall cause such assessments, when made and confirmed, to be entered in books to be kept in their office, and the entries for such assessments in the said books authenticated by the signatures

of the Justices, or any two of them, shall be conclusive evidence of the several assessments therein specified.

XL. The Justices shall give at least fourteen days' notice, by advertisement in the *Calcutta Gazette*, of the day and hour when they will meet in their office, for the purpose of revising and confirming the said assessment; and every person who deems himself aggrieved in any respect by the said assessment, and is desirous of appealing against the same, must attend such meeting; and the Justices may adjourn such meeting, if necessary, from day to day; and, after hearing and determining all objections to the assessment, may make such amendments therein as to them may appear just, and finally confirm the same as so amended.

XLI. The books containing the proposed assessment shall be in the office of the Justices during the said period of fourteen days, or more, open at all reasonable times to the inspection of all persons assessed therein.

XLII. The taxes specified in this Act shall be due and payable from and after the end of the quarter of a year, or other period for which they are imposed.

XLIII. When the taxes specified in this Act shall be due and payable, or as soon after as convenient, the said Commissioner shall send, or cause to be sent, to the persons severally liable to pay any of such taxes, a statement or bill in the form (A.) contained in the second Schedule annexed to this Act, or to the like effect, of the sums due from such persons respectively in respect of the said taxes.

XLIV. When any person shall be in arrear of the payment of the said taxes specified in this Act, the said Commissioners, or any one of them, or their Officer duly authorized by them, may issue, or cause to be issued and served upon such person, a Notice of Demand in the form (B.) contained in the second Schedule annexed to this Act, or to the like effect; and if he shall not, within five days from the service of such Notice of Demand, pay the arrear due from him, according to the tenor of such Notice of Demand, the said Commissioners, or any one of them, or their Officer duly authorized by them, may issue and serve, or cause to be issued and served, upon such person a summons to pay in the form (C.) contained in the second Schedule annexed to this Act, or to the like effect, requiring such person to appear before the said Commissioners, or any one or more of them, on a day and at an hour and place to be named in such summons.

XLV. On the appearance of the party summoned, the said Commissioners, or any one or more of them, may make such further enquiry into the case as to them or him seems just, and may make such order for the payment of the whole or any part of the demand as to them or him seems just; and in case of the non-appearance of the party summoned, the said Commissioners, or any one or more of them, on proof of service of the said summons, and on making such further enquiry into the case as to

them or him seems just, may decide the claim, in like manner as if the said party were present, and may make such order for the payment of the demand, together with such costs as to them or him may seem reasonable.

XLVI. In order that the Justices and Commissioners may be better informed of the value of any house, building, or ground, or in any other matter relating to their duty under this Act, and the execution thereof, the Justices or Commissioners, or any one of them, or their Officer duly authorized by them, may issue a summons, in the form (D.) contained in the second Schedule annexed to this Act, to any person whom they are desirous of examining for that purpose; and any one or more of the said Justices or Commissioners may examine such person so summoned concerning the value of such house, building, or ground, or other matter relating to the assessment; and such examination shall be taken down in writing, in such manner as the Justices or Commissioners may order: and in case the answers of such person so examined shall appear to the said Justices or Commissioners to be evasive or untrue; or in case the party summoned shall refuse to answer any lawful question of the said Justices or Commissioners, or any one of them, or shall be proved to have refused to receive, or to have wilfully destroyed, defaced, or unlawfully detained any Bill, Summons, or Notice of Demand served upon him, with intent to evade being lawfully rated to the full amount of any of the said taxes due from him, or with intent to avoid or delay payment thereof; or shall be proved knowingly, or through gross negligence, to have given any false information, either verbally or in writing, to the said Justices or Commissioners, or any of them, or any of their Assessors or Officers, whereby they or any Assessor or person employed by them shall be misled in making any assessment; or in case the party summoned shall refuse, or without lawful excuse neglect to appear before the said Justices or Commissioners, in pursuance of such Summons; such person shall, for any of the abovementioned offences, be liable to such penalty, not exceeding one hundred Rupees, as shall be set on him by the said Justices or Commissioners, or any one of them, and such penalty shall be recovered under a warrant to be issued for that purpose by the said Justices or Commissioners, or any one of them, by distress and sale of any goods and chattels within the Town belonging to the person liable to pay or make good the said penalty; and every such warrant of distress may be in the form (G.) contained in the second Schedule annexed to this Act, or to the like effect.

XLVII. All arrears of taxes and penalties due under the said Statute 33 George III., Act XVI. of 1847, and this Act, and the costs and charges of recovering the same, may be recovered at any time after the day on which the person liable to pay such arrears has been summoned to appear before the Commissioners, or any one or more of them, as provided by Section XLIV. of this Act, under a warrant to be issued for that purpose, under the hand and seal of one of the said Com-

missioners, by distress and sale of any goods and chattels within the Town of Calcutta, belonging to the person liable to make good or pay the same, or being at any time within the house or building, or upon the ground in respect of which any such assessment is made: and every such Warrant of Distress may be in the form (E.) contained in the second Schedule annexed to this Act, or to the like effect.

XLVIII. The Bailiff shall make an inventory of all goods and chattels seized under any warrant, and shall give a notice in writing in the form (F.) contained in the second Schedule annexed to this Act, or to the like effect, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be appraised and sold in manner therein mentioned.

XLIX. If the warrant is not in the mean time discharged or suspended by one or more of the said Commissioners, the goods and chattels seized shall be appraised and sold, and the proceeds thereof shall be applied in discharge of the arrears, or penalty, and costs; and the surplus, if any, shall be returned, on demand, to the person in possession of the goods and chattels at the time of the seizure: and the fees upon every such proceeding shall be such as are mentioned and set forth in the third Schedule annexed to this Act.

L. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of the rates, taxes, or penalties under the said Statute 33 Geo. III., Act XVI. of 1847, or this Act, the Commissioners, or any one or more of them, if they think fit, may authorize any Collector or other person to sue the person liable to pay such rates, taxes, or penalties for any arrears of such rates, taxes, or penalties, in the Calcutta Court of Small Causes; and all such suits may be prosecuted by such Collector or other person in the name of the Commissioners; and the costs, if any, incurred in any such suit, which are not recovered in the suit, may be defrayed out of the taxes levied under this Act.

LI. When any Bill, Notice of Demand, Summons, or other proceeding of any kind whatsoever with respect to any taxes under the said Statute, Act XVI. of 1847, or this Act, is to be issued to the owner of any premises, if his name be not certainly known, it shall be sufficient to address such proceeding to him by the description of the "Owner" of the premises (naming or describing them) in respect of which such proceeding is issued, without further name or description of such owner, and such proceeding may be duly served as hereinafter mentioned; and every Bill, Notice Summons, or Notice of Demand, may be served personally upon the person to whom the same is addressed, or left with his door-keeper, or some inmate of his place of abode; and when any person shall, by keeping his place of abode or business closed, or by absconding, or by violence or threats, prevent any Officer or Servant of the said Commissioners from serving any Bill, Notice, Sum

mons, or Notice of Demand, as herein directed, such Bill, Notice, Schedule, Summons, or Notice of Demand, shall be duly served by fixing the same conspicuously on some part of the outer wall, gate, or door of the house or place of business, or of the enclosure in which it stands. In case the place of abode of the owner be not within the limits of the said Town, it shall be sufficient for the Commissioners to transmit any Bill, Notice, Summons, or Notice of Demand, directed to him by name, through the Post, or to serve the same upon the occupier of the premises assessed, or upon the agent (if any) of such owner.

LII. No distress levied under the authority of this Act shall be unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the Notice, Bill, Summons, Notice of Demand, Warrant of Distress, Inventory, or other proceedings relating thereto, nor shall he be a trespasser from the beginning on account of any irregularity afterwards committed by him.

LIII. The said Commissioners shall, from time to time, subject to the approval of the Governor of the Presidency of Fort William in Bengal, make rules for regulating their proceedings under this Act, and for the regulation of the time and manner of demanding and collecting the taxes specified in this Act, and for altering any of the forms set forth in the Schedules hereunto annexed, and the said Justices shall, from time to time, subject to the like approval, make rules for regulating their proceedings under this Act, and for the regulation of the time and manner of assessing the rates specified in this Act.

LIV. The goods and chattels of the owner of any house, building, or ground rated under the said Statute 33, George III. Chapter LII., Section CLVIII. Act XVI. of 1847, or this Act, shall be liable to be distrained anywhere (except goods and chattels concealed as hereinafter mentioned) for deficiency in the payment of rates; and it shall not be necessary in any assessment, rate or tax, or Warrant of Distress under the said Statute, Act XVI. of 1847, or this Act, to specify the names of the owners of houses, buildings, or grounds; but it shall be sufficient if the house, building, or ground, in respect of which the tax is assessed, be identified, and in the case of houses numbered in any street, that the name of the street and the number of the house be specified.

LV. All goods and chattels, which shall be found upon any premises rated, shall be liable to be distrained for any arrears of rates or taxes assessed in respect thereof; and if the said goods and chattels belong to the occupier of such premises, such occupier may deduct the amount of levy made upon his goods and chattels, or of any payment made by him in order to prevent such levy, from the following payments of his rent. If they belong to any person other than the occupier of the premises, or if no further rent is payable by such occupier, he may in such case recover

the amount so paid or levied, by suit in the Calcutta Court of Small Causes, from the owner of the premises, as for money paid on his behalf.

LVI. Every person shall be entitled to have from the Secretary to the Commissioners, on application at their office and on payment of a fee of four annas, a certificate, specifying the last quarter in respect of which the taxes on account of any house, building, or ground are paid.

LVII. When there is reason to believe that goods and chattels, liable to distress under the said Statute, Act XVI of 1847, or this Act, are concealed in any zenana, the officer charged with the execution of the warrant shall make a special report to the Commissioner granting the same, who shall thereupon follow, as closely as may be, the rules for the seizure of goods and chattels in like cases adopted by Her Majesty's Supreme Court of Judicature.

LVIII. Every person who wilfully obstructs or molests the said Commissioners, or any one of them, or their Secretary, or any of their officers or servants in the performance of their respective duties, under the said Act of Parliament Act XVI. of 1847, or this Act, shall be liable, on summary conviction before a Justice of the Peace, on his own confession or the oath of one or more witnesses, to forfeit and pay a penalty not exceeding Fifty Rupees.

LIX. The Commissioners or any one of them may sue and be sued at Law and Equity in the name of their Secretary for the time being, and no action or suit to be brought or commenced by or against such Secretary in manner aforesaid shall abate or be discontinued by the death, resignation, or removal of such Secretary; and no execution shall issue or be had in any such action or suit against such Secretary until six months' notice shall have elapsed after final judgment in such action or suit shall have been obtained; and every such Secretary, in whose name or by or against whom any such action or suit shall be brought, commenced, or sued, shall be fully reimbursed and paid all such costs, charges, damages, and expenses as by the event or in consequence of any action, suit, or proceeding he shall pay, sustain, or be put unto or become chargeable with or liable to by reason of his being plaintiff or defendant as aforesaid, or of his name being used as aforesaid, by and out of the funds under the control of the Commissioners; and if any person, against whom the Commissioners shall have any claim or demand, take the benefit of, or become subject as an insolvent to the operation of any Act for the Relief of Insolvent Debtors, the Secretary of the Commissioners in all proceedings in the insolvency may represent the Commissioners, and act in their behalf in all respects as if such claim or demand had been the claim or demand of such Secretary, and not of the Commissioners.

LX. The Secretary of the Commissioners being the plaintiff, prosecutor, or defendant, or otherwise acting in any action, suit, or proceeding as aforesaid, shall be

competent to be a witness therein, in the same manner as he might have been if his name had not been made use of as the plaintiff, defendant, or otherwise in any such action, suit, or proceeding.

LXI. No writ or process shall be issued out against or served upon any Commissioner, or any Secretary, Surveyor, or other officer or person whomsoever acting under the direction of the Commissioners, for anything done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at his office or place of abode, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his Attorney or Agent in the cause; and upon the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant; and every such action shall be brought or commenced within three calendar months next after the accrual of the cause of action, and not afterwards; and if any party shall have committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act, or by virtue of any power or authority hereby given, and if before action brought in respect thereof, such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

LXII. No matter or thing done, or contract entered into by the Commissioners or any one of them, or by any Secretary, Surveyor, or other officer or person whomsoever acting under the direction of the Commissioners, shall, if the matter or thing were done or the contract were entered into *bonâ fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever: and any expense incurred by any such Commissioners, Secretary, Surveyor, or other officer or person acting as last aforesaid, shall be borne and repaid out of the funds under the control of the Commissioners.

LXIII. In any such action as aforesaid the defendant may plead the general issue, and give this Act, and any special matter in evidence on the trial.

LXIV. If in any such action judgment be given for the defendant, or if the plaintiff be nonsuited or discontinue the said action, the defendant shall be entitled to his costs as between attorney and client, and shall have such remedy for recovery thereof as any defendant has for his costs in any other case by law.

LXV. The whole proceeds of the said taxes, after paying all salaries, establishments, and incidental expenses of the said Commissioners, shall, with such moneys as the Governor of the Presidency of Fort William in Bengal, with the sanction of the Governor General of India in Council, may direct to be paid to the said Commissioners, be applied by them to the following purposes, that is to say,—

1stly,—Cleansing, repairing, lighting and watering the roads and streets.

2ndly,—Constructing new drains and sewers, and cleansing and repairing or filling up and abolishing old drains and sewers.

3rdly,—Filling up stagnant pools of water, holes in the earth, and all receptacles for filth and rubbish, and removing obstructions in or on the roads and to the free circulation of air.

4thly,—Formation of tanks and aqueducts for the conveyance of water to all parts of the Town.

5thly,—Opening of streets and squares in crowded parts of the Town.

6thly,—Improving and embellishing the said Town generally.

LXVI. In construing this Act all words used in the singular number shall be held to include several persons and things, and words in the plural shall be held to include the singular number, and all words importing the masculine gender shall extend and be applied to females as well as males, unless there is something in the context inconsistent with such construction.

FIRST SCHEDULE.

No. *Form* 1.

Form of Voting Ticket.

Division	Name of Rate-payer.	Aggregate value of houses, buildings, or grounds for which he is assessed.	Total Assessment.

Entitled to vote.

Secretary.

Reverse.

I, the undersigned, being the rate-payer within described, do hereby give my vote for as Commissioner for the ( ) Division.

Calcutta,
The 18 } *Signature.*

No. *Form* 2.

Division.	Street.	No. of House.	Name of Occupier.

Entitled to vote.

Secretary.

Reverse.

I, the undersigned, being the occupier within described, do hereby give my vote for as Commissioner for the ( ) Division.

Calcutta,
The 18 } *Signature.*

SECOND SCHEDULE.

(A)

House Tax Bill.

Division No.

Street No.

Remit

Premises No _____

_____ Dr

To Assessment on the above-mentioned Premises for _____ Quarter.

Rated at Rupees " " per Month

Quarterly Assessment, Rs. " "

Received Payment,

Collector.

Calcutta, 18

(B)

Notice of Demand.

Number
Division
Street
House

Take Notice that I, on behalf of the Collector of Assessments, have demanded and demand from you the arrears of Taxes assessed upon you as owner of the premises mentioned in the margin, for the ( ) Quarter, viz., the months

of 18

under the Provisions of Act X. of 1852, amounting to Rupees

, and that if the same be not paid into the Collector's Office within five days after this demand, you will be reported to the Commissioners, and will be liable to the expenses of any further proceedings.

For the Collector,

Collecting Sircar.

Calcutta,
This *day*
of 18

(C)

Summons to Pay.

No.

To

Number
Division
Street
House
Quarter

You are hereby summoned to appear personally before the Commissioners for the Improvement of the Town of Calcutta, or such one or more of them as shall be at their office at o'clock on the day of 18 , to answer to a complaint made against you by the Collector of Assessments for non-payment of the Taxes imposed on you as owner of the premises mentioned in the margin, under the Provisions of Act X. of 1852, for the ( ) Quarter, that is to say,—the months of ( ) amounting to Rupees

Commissioners' Office.

No.

Given under my hand,
this *day of*
18

A. B.

(D)

Summons to give Evidence.

To

Under the authority of Act X. of 1852, you are hereby summoned to appear personally before the Commissioners for the Improvement of the Town of Calcutta, or such one or more of them as shall be at their office at o'clock on the day of 18

(Here set out the cause of Summons.)

Commissioners' Office.

Given under my hand,
this day of
18

A. B.

(E)

Distress Warrant.

Town of Calcutta. } To

One of the Bailiffs for the Commissioners for the Improvement of the Town of Calcutta.

Number
No. of
Division
Street
House

Whereas of in the said Town is this day duly convicted before of the Commissioners for the Improvement of the Town of Calcutta, for that the said doth refuse or neglect to pay, and hath not yet paid, the Taxes on houses, buildings, and lands mentioned in the margin, to which he is assessed under the Provisions of Act X. of 1852, for the ( ) Quarter, that is to say for the months of ( ) amounting to the sum of Co.'s Rs.

although the said sum has been demanded of him, and five days have lapsed since such demand; This is to command you to distrain the goods and chattels of the said within the said Town, or any goods and chattels which you may find on the premises in respect of which the said Taxes are due, to the amount of Co.'s Rs.

and such further sum as may be sufficient to defray the charges of making such distress; and if within five days next after such distress, the said sum of Co.'s Rs.

shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to

sell the said goods and chattels; and having paid out of the money arising by such sale the said sum of Co.'s Rs.

to the Collector of Assessment for the said Commissioners, and having deducted the necessary charges of taking, keeping, and selling the said distress, to return the overplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels.

Given under my hand and seal, this day of 18 .

L. S.

One of the Commisssoners for the Improvement of the Town of Calcutta.

(F)

Inventory.

Quarter
Number
No. of
Division
Street
House

An Inventory of the several goods and chattels distrained by me
Bailiff, No.
situated in for the sum of Company's Rupees Annas
Pies being arrears of Assessment due up to the day of
last, for Taxes under the Provisions of Act X. of 1852 (or being the amount of a penalty imposed on by
of the said Commissioners, or Justices of the Peace as the case may be), with the costs and charges for enforcing payment of the same.
To

Take Notice, that I have this day distrained the several goods and chattels specified in the Inventory for Taxes under the Provisions of Act X. of 1852 (or being the amount of the said penalty), and that unless you pay the said sum, with the charges of distraining, into the office of the Collector of Assessment, within five days from the date hereof, the said goods and chattels will be sold according to law.

Arrears, Rs.
Costs, „
Co.'s Rs.

Witness my hand, this day of 18

Bailiff.

(G)

Distress Warrant.

Town of Calcutta. } To

One of the Bailiffs for the Commissioners for the Improvement of the Town of Calcutta. Whereas A. B., of in the said Town is this day duly convicted before of the Commissioners for the Improvement of the Town of Calcutta, *(or Justice of the Peace, as the case may be)* of the offence of *(here state the offence)* against the form of the Act X. of 1852 in that case made and provided, and was thereupon adjudged by that he the said A. B., had forfeited the sum of Rs. (*here state the amount*) for the offence ( ) aforesaid: And whereas the said A. B. being required to pay the said sum of Rs. *(here state the amount aforesaid)* hath not paid the same, but therein has made default: These are to command you to distrain the goods and chattels of the said A. B., which may be found within the said Town, to the amount of the said sum, and such further sum as may be sufficient to defray the charges of making such distress; and if within five days next after such distress, the said sum of Rs. (*here state the amount*), together with the reasonable charges for taking and keeping the said distress, shall not be paid, to sell the said goods and chattels, and having paid out of the moneys arising by such sale the said sum of Rs. (*here state the amount*) to the Collector of Assessments for the said Commissioners, and having deducted the necessary charges of taking, keeping, and selling the said distress, to return the overplus (if any) on demand, to the person whom you shall find in possession of the said goods and chattels.

Given under hand and seal, this day of 18 } L. S.

of the Commissioners for the Improvement of the Town of Calcutta, (or Justice of the Peace, as the case may be.)

THIRD SCHEDULE.

Table of Fees to be taken for Proceedings under this Act.

For every Summons to pay ..... Rs. 1

IN DISTRAINTS.

SUM DISTRAINED FOR.	FEE.	
	Rs.	As.
Under 5 Rupees, ...	1	4
5 and under 10 Rupees, ...	2	0
10 „ 15 „	2	8
15 „ 20 „	3	8
20 „ 25 „	4	4
25 „ 30 „	5	0
30 „ 35 „	5	8
35 „ 40 „	6	8
40 „ 45 „	7	12
45 „ 50 „	8	8
50 „ 60 „	10	0
60 „ 80 „	11	8
80 „ 100 „	13	0
Above 100 „	15	0

The above charge includes all expenses except when peons are kept in charge of property distrained, in which case 4 Annas must be paid daily for each man.

ACT No. XII. OF 1852.

Passed on the 20th February, 1852.

AN ACT to repeal Act No. II. of 1848, and to confer certain powers on the Commissioners for the Improvement of the Town of Calcutta.

Whereas by Section LXV. of Act No. X. of 1852 it is, among other things, enacted that certain funds therein mentioned should be applied by the Commissioners for the Improvement of the Town of Calcutta in cleansing, improving, and embellishing the said Town: and whereas it is expedient that the said Commissioners should be invested with further powers for the effectual accomplishment of the purposes aforesaid; It is hereby enacted as follows:—

I. Act II. of 1848, and the Bye-Laws made in pursuance thereof, and the Regulation for the Good Order and Civil Government of the Settlement of Fort William in Bengal, passed in Council on the 28th day of October 1814, are hereby repealed. Act X. of 1852, repealing Act XVI. of 1847, shall not be constructed so as to revive Act XXIV of 1840.

II. The said Commissioners may, subject to confirmation or disallowance by the Governor of Bengal, nominate, appoint and employ, respectively, such Surveyors, Inspectors, and other necessary officers and servants as may be necessary or proper

for the execution of the powers hereby vested in them; and such Surveyors, Inspectors, officers and servants shall receive such salaries as to the Governor of Bengal shall seem meet.

III. The management and control over all the streets within the said Town of Calcutta, existing at the time of the passing of this Act, and of all parts of the said Town which shall hereafter become streets and the pavements and other materials therein, and all erections and buildings, materials, implements or other things provided for the said streets by or under the authority of the Governor of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, and also the management and control of all public tanks, aqueducts and canals, and of all sewers and drains, whether public or private, now made or hereafter to be made within the said Town, hereby are vested in the said Commissioners for the purposes of this Act.

IV. The said Commissioners, by and with the consent of the Governor of Bengal, may lay out, make, build and construct streets, and may alter and widen narrow streets, and may turn, divert, discontinue or stop up streets, within the said Town, regard being had to the compensation of owners of lands which may be required to be vested in the said Commissioners for any such purposes, and owners of lands which may be damaged or deteriorated in value by the turning, diverting, discontinuing, or stopping up of any such streets,—and in case of dispute, the amount of such compensation shall be ascertained and paid in the manner and according to the provisions contained in Act XXII. of 1847, which is hereby declared to be applicable to all claims for compensation made in respect of any acts done by the said Commissioners under the authority of this Act. Provided always, that it shall not be lawful for the said Commsssioners or any other person to make or lay out any new street, unless the same, being a carriage road, be at least 50 feet wide exclusive of the drains at the sides thereof, or not being a carriage road, be at least 20 feet wide, exclusive of the drains at the sides thereof.

V. The said Commissioners, with the consent and approbation of the Governor of Bengal, shall pave, metal, and water such of the public streets existing in the said Town at the time of the passing of this Act, or at any future time, as they shall think fit; and it shall be lawful for the said Commissioners to excavate and provide convenient tanks or runs of water through the said Town, and to sink wells and lay, erect, and place pipes, gutters, conduits and pumps in any of the said streets, and may remove and alter the same when and in such manner as the said Commissioners shall think proper.

VI. The said Commissioners, by and with the consent of the said Governor of Bengal, may, by agreement or in conformity with the provisions of Act XXII. of 1847, purchase or take absolutely, or on lease for such terms as they may think fit,

any water-works, streams of water, lands, fixtures or other property which the said Commissioners may deem it necessary to purchase or take for any work or purpose which they are required or authorized to do and execute under this Act, or the said Act No. X. of 1852, and when the said Commissioners take and purchase any lands for the purposes of this Act otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the powers so given, be subject to the provisions and restrictions contained in the said Act No. XXII. of 1847; and the said Commissioners shall make to the owners and occupiers of, and all other parties interested in, any such lands taken for the purposes of this Act, full compensation for the value of the lands so taken, and for all damages sustained by such owners, occupiers and other parties, by reason of the exercise, as regards such lands, of the powers vested in the Commissioners by this Act; and the amount of such compensation shall be determined in the manner provided by the said Act No. XXII. of 1847, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said Act No. XXII. of 1847 shall be applicable to determine the amount of any such compensation, and to enforce the payment or other satisfaction thereof.

VII. The Commissioners, by and with the consent of the Governor of Bengal, may sell or dispose of any lands or other property vested in or acquired by them under the powers herein, or in the said Act No. XXII. of 1847, contained, which it may appear to the Commissioners may be properly sold or disposed of; and for completing and carrying any such sale of lands into effect, the Commissioners may make and execute a conveyance of the lands sold and disposed of as aforesaid unto the purchaser, or as he shall direct, and such conveyance shall be under the hands of three of the Commissioners, and under the seal of the Commissioners, and a receipt, under the hands of three of the Commissioners, shall be a sufficient discharge to the purchaser of any such lands for the purchase money in such receipt expressed to be received, and the money to arise from such sale shall be applied to such of the purposes of this Act as the Commissioners shall think fit.

VIII. The said Commissioners may, from time to time, as they shall see fit, widen, deepen, embank, alter, arch over, amend, clean and scour out all or any of the sewers or drains within the said Town as may be necessary, and also cleanse and drain off into any sewers or drains, and fill up and level or otherwise abate all stagnant pools, ditches, tanks and other receptacles of foul water and filth existing within the said Town, whether the same be the private property of any person or persons or otherwise; and the said Commissioners, if they shall think fit, may take up, stop, fill in, and discontinue any sewers or drains which they shall deem useless or unnecessary; Provided always, that the expenses incurred in respect of any such works done or executed on the private property of any person, if not defrayed by such person on demand thereof,

may be recovered by distress and sale of the goods and chattels of such person, and any two of the said Commissioners may issue their warrant of distress accordingly.

IX. Every Commissioner and the Surveyor to the Commissioners, with such subordinate officers or persons as they may require, shall, when it shall be necessary or convenient for the purpose of making any survey or examination of any sewers or drains, or of making or repairing or cleansing any sewers, drains, or works within the said Town, or of carrying into execution any of the powers entrusted to the Commissioners by this Act, or Act No. X. of 1852, have full power and authority, at all reasonable hours in the day time, to enter, examine, and lay open, or to direct their subordinate officers to enter, examine, and lay open, any house, building or other erection, or any lands, without being liable to any action at Law or suit in Equity, or any other legal proceedings or molestation whatsoever for or on account of such entry, examination, or works, or of anything done or to be done in any part of such house, building, erection, or land in pursuance of this Act; Provided always, that except in cases of emergency, none of the persons above-mentioned shall enter, examine or lay open any house, building or other erection, or lands which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of their intended entry and of the object thereof; Provided also, that compensation shall be made for any damage occasioned by such entry and works to all persons other than the owners and occupiers of any land or building in respect of which any private drain or sewer, or the state of drainage shall be inspected, cleansed, or repaired, and other than the owners or occupiers of any premises where any nuisance may exist, and other than the person who may have caused such nuisance; And provided also, that in case no nuisance shall be found to exist in or on the house, building or other erection, or lands so entered, examined and laid open as aforesaid, the said Commissioners shall, out of the rates and taxes aforesaid, cause the said house, building, or other erection, or lands, to be restored to the same state and condition in all respects as the same were in before they were so entered, examined, or laid open.

X. If any house, building, or wall, or anything affixed thereon, within the limits of the said Town, be deemed by the Commissioners or their Surveyor to be in a ruinous state, or likely to fall, and also dangerous to passengers or the occupiers of neighbouring buildings, such Surveyor shall immediately cause a proper board or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner of such house, building, or wall, or other thing, if he be known and resident within the said limits, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or other thing,

as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure such house, building, wall, or other thing, within the space of three days after such notice has been given or put up as aforesaid, and complete the same as speedily as the nature of the case will admit, the said Commissioners shall, with all convenient speed, cause all or so much of such house, building, wall, or other thing, as shall be in a ruinous condition, or likely to fall, and also dangerous as aforesaid, to be taken down, repaired, re-built, or otherwise secured in such manner as shall be requisite; and all the expenses of putting up every such fence, and of taking down, repairing, re-building or securing such building, wall, or other thing, shall be paid by the owner thereof, if such owner can be found within the said limits; and if, on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress on the goods and chattels of the owner of the said house, building, wall, or other thing, and any two Commissioners may issue their warrant of distress accordingly.

XI. If any such house, building, wall, or other thing, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house, building, wall, or other thing, and the Commissioners shall restore any overplus arising from such sale to the owner of such house, building, wall, or other thing, on demand; nevertheless the Commissioners, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

XII. The said Commissioners, by and with the consent of the Governor of Bengal, may construct, make and lay, or cause to be constructed, made, and laid, such reservoirs, canals, aqueducts, channels, tanks, sewers, drains, bridges, banks, conduits, machinery, engines, waste-gates, stop-gates, stop-cocks, sluices, tunnels, water-pipes, and other works, as shall in their opinion be necessary and proper for obtaining water and supplying the same to the said Town, and for the effectual draining and cleansing of the said Town, and for the properly flushing and cleansing out such sewers in, under, or across all or any of the streets therein, whether dedicated to the public use or not, and if needful through and across all underground cellars, and vaults, which they may find under any of the said streets, doing as little damage as may be; and also to cause such and so many rings and openings to be made or left in the sides of the said sewers, as will be sufficient for the making or branching any drain or drains from any or all of the houses built, and which may probably be bulit, adjoining or near thereto, into any of the said

sewers, as the said Commissioners shall think necessary for that purpose; and in case it shall be found necessary for completing any of the aforesaid works to build, carry, or continue the same in, into, through, or over any enclosed lands, or other place not being a public way, it shall be lawful for the said Commissioners to build, carry, or continue the same in, into, through, or over the said lands or other places accordingly, and the said Commissioners shall cause such sewers to communicate with and empty themselves into any public river, stream, canal, or water-course, whether within or without the said Town, or shall cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its deposit, collection and sale, and its application as manure for agricultural purposes or otherwise, as they shall deem most expedient, but so that the same shall in no case become a public nuisance or annoyance to the neighbourhood.

XIII. For the purpose of constructing any aqueducts for bringing water to the town of Calcutta from any place without the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, or for the purpose of making sewers or drains to communicate with or empty themselves into any public sewer, lake, stream, canal, or water-course without the said limits, it shall be lawful, whenever a plan for any such aqueduct, sewer, or drain shall have been approved by the Governor of Bengal, for every Commissioner, and for the Surveyor and Secretary to the Commissioners, with such Assistants as they may require, to exercise, in the construction of such aqueduct, sewer, or drain throughout the line of country through which the said aqueduct, sewer or drain is to run, all the powers which by this Act it is lawful for them to exercise within the said local limits, and which may be necessary for the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any Magistrate of any district through which the said aqueduct, sewer, or drain is to run, in furtherance of the construction of such aqueduct, sewer, or drain, to do such acts within the limits of his own district as it is by this Act lawful for a Magistrate of the Town of Calcutta to do, in furtherance of any work to be executed by the said Commissioners within the said local limits.

XIV. It shall be lawful for the said Commissioners, instead of executing any of the works which by this Act they are authorized to execute by themselves, their servants, and assistants, to execute the same by contract with any individual or company who may be willing to undertake the same, and in that case it shall be lawful for such individual or company to exercise and enjoy all the powers and privileges which by this Act it is lawful for the said Commissioners to exercise and enjoy in the execution of any such works. Provided always, that no Commissioner, or officer or servant of the Commissioners, shall be in any

wise concerned or interested in any contract or work made with or executed for the Commissioners, and if any such Commissioner, or officer, or servant, be so concerned or interested, or shall under color of his office or employment exact, take, or accept any fee or reward whatsoever, other than his proper salary, wages, fees, and allowances, he shall be incapable of afterwards holding or continuing in the office of Commissioner, or any office or employment under the Commissioners, and shall forfeit and pay the sum of Company's Rupees Five Hundred, which may be recovered by any person with full costs of suit, by action of debt.

XV. The said Commissioners may, with the consent and approbation of the said Governor, contract and agree with any persons for supplying the said Town, or any part thereof, with water, and may also, with the like consent and approbation, grant to any person contracting to supply the said Town, or any part thereof, with water, a lease, for any term not exceeding twenty-one years, of any water-works, machinery, streams, waters, lands, tenements, easements, rights, privileges, and advantages, belonging to or acquired by, or which may belong to or be acquired by or be vested in the said Commissioners, under any of the powers or authorities in this or any other Act contained, so as to enable such person or persons so contracting the more effectual and efficiently to procure and supply water in pursuance of any such contract or agreement; and every such lease so to be granted by the said Commissioners may be made subject to such conditions and stipulations as to the supplying water, for the purposes of this Act, or any of them, as may be agreed upon between the respective parties thereto. Provided always, that no lease or contract made in pursuance of the powers hereinbefore contained shall be valid or effectual for any purpose whatsoever, unless the said Governor's approval of the same shall be testified by writing, endorsed on such lease or contract, under the hand of the Secretary to the Government of Bengal.

XVI. It shall be lawful for the said Commissioners, their Secretary, Surveyor, or other Officer, subject to the restrictions in this Act contained, to enter upon the lands of any corporation or person adjoining to, or being within the distance of one hundred yards of the works by this Act anthorized to be made, or any part thereof, for the purpose of depositing upon such lands, or any part thereof, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, the said Commissioners, their Secretary, Surveyor, or other officer, doing as little damage as may be in the exercise of the several powers hereby grauted to them, and making compensation for such temporary occupation or temporary damage of the said lands to the owners and occupiers thereof, from time to time, and as often as any such temporary occupation shall be taken or any such temporary damage done, and making compensation to the owners also for

the permanent injury (if any) to such lands; and in case the parties differ respecting the amount of the compensation, or the respective shares of several claimants of compensation, then and in every such case the said disputes respectively shall be settled and adjusted by arbitration, or by the verdict of a jury, summoned and assembled in manner provided in Act No. XXII. of 1847. Provided always, that before the said Commissioners make any such temporary use as aforesaid of the lands adjoining or lying near to the said works, they shall give fourteen days' notice of such their intention to the owners and occupiers of such lands, and shall separate and set apart by sufficient fences so much of the lands as shall be required to be used as aforesaid from the other lands adjoining thereto.

XVII. The said Commissioners, when executing any works hereby authorized to be made, shall at their own expense make and provide a sufficient number of convenient roads, ways, watering-places, wells, water-courses, drains, and channels for the irrigation and for the use of the adjoining lands, and for irrigating the same in those parts where the present roads, ways, watering-places, wells, water-courses, drains, and channels, shall and may be taken away or interrupted, injured, or rendered inconvenient or useless by reason of the execution of the said works, and in case of any difference arising between the said Commissioners and the owners of such adjoining lands, such difference shall be settled by arbitration, or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XVIII. The said Commissioners shall make full compensation out of the rates and taxes to be levied by them to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, or their officers, or servants, under and by virtue of this Act.

XIX. It shall be lawful for the said Commissioners to direct any prosecution before any Court or Justice of the Peace for any public nuisance whatsoever which shall be permitted, suffered, or committed within the said Town, and to order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecutions and other proceedings to be paid and borne by and out of the funds placed at their disposal under the provisions of this or any other Act.

XX. It shall be lawful for the said Commissioners, if they shall not think fit to take any other proceedings prescribed by this Act, to prefer any bill of indictment or information, or to take any other proceedings against any person who shall obstruct or molest the said Commissioners, or their Secretary, Surveyor, or other officer or servant, or any workman or other person employed by them in the

performance and execution of their or his duty, under or by virtue or in consequence of this Act, or who shall steal, take, or carry away, or wilfully deface or injure any property, article, or thing belonging to the said Commissioners, and in every such case it shall be sufficient to state generally the property, article, or thing, in respect of which such proceeding shall have been taken, to be the property of the said Commissioners.

XXI. It shall be lawful for any of the Commissioners, their Secretary, Surveyor, Inspectors, Overseers, or any servants or persons employed by them, and for any Inspector of Police or Policeman employed in the said Town, and such other person or persons whom he or they shall call to his or their assistance, without any summons or warrant, or other authority than this Act, to seize and detain any unknown person who shall commit any offence against the provisions of this Act, and to take him immediately to a Police Station, where he shall be detained in default of Bail until he can be taken before any Justice of the Peace, who is hereby required to proceed and act with respect to such offender according to the provisions of this Act.

XXII. The Commissioners, or any one of them, or any person appointed by them for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place, kept or used for the sale of butcher's meat, poultry, fish, or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, or vegetables which may be therein, and in case any animal, carcase, meat, poultry, game, flesh, fish, or vegetables appear to be intended for the food of man, and to be unfit for such food, may seize, remove, and destroy the same at the expense of the owner thereof, or the owner, occupier, or farmer of any such public market, bazar, or slaughter-house, or private shop or stall within the Town, wherein the same shall be exposed or allowed to be exposed for sale.

XXIII. The Commissioners or their Surveyor shall have full power and authority to remove or order the removal of any wall, fence, rail, post, or other obstruction or encroachment in any street, or in or over any drain, sewer, or aqueduct within the said Town, whether the proprietary right to such street, drain, sewer, or aqueduct shall be in dispute or not; Provided always, that nothing in this Act shall be construed to give the said Commissioners or their Surveyor power to remove such wall, fence, or other obstruction after the decree or order of any competent Court has declared the land, walled, fenced, or railed in, to be private property.

XXIV. When any private tank, or low marshy ground, shall appear to the Commissioners to be offensive to the neighbourhood or unwholesome, it shall be lawful for the said Commissioners to require, by notice in writing, the owner

thereof to cleanse or fill up the same, and, if the said tank shall remain uncleansed or not filled up for seven days after such notice, it shall be lawful for the said Commissioners to enter into and upon the adjoining lands, and to cleanse or fill up the said tank as they shall think fit, and the expense incurred thereby shall be paid by the owner of such tank, to be recovered in manner hereinafter mentioned.

XXV. The Commissioners may affix on or to the wall of any house or compound, or in or to any wall within the said Town, as they shall think fit, any board or metal plate to indicate the name of the street in which such house, compound, or wall is situate, or any lamp for the purpose of lighting the street.

XXVI. It shall be lawful for the said Commissioners or their subordinate Officers, as they shall think fit, to kill and destroy, or to order to be killed and destroyed, all dogs that may be found loose in the said streets, and not accompanying their owners or some person in charge of them.

XXVII. The said Commissioners shall, so far as the funds at their disposal will admit, keep in good and sufficient repair every street now or at any future time existing in the said Town.

XXVIII. When any of the streets, sewers, or drains in the said Town are being made, or shall be under repair, the Commissioners or their Surveyor, or other subordinate officer, shall take proper precautions against danger by shoreing up and protecting the adjoining houses, shall fix and place, or cause to be fixed and placed such and so many bars, chains, or posts across or in any of the said streets to prevent the passing and re-passing of carriages, carts or other vehicles, cattle or horses, during the time of such works and repairs being carried on as shall be necessary, and the said Commissioners and their said Surveyor shall cause any sewer or drain or other works, during the construction or repair thereof by them, to be well and sufficiently lighted during the night to prevent accidents.

XXIX. The said Commissioners, so far as the funds at their disposal will admit, shall provide lamps for lighting such parts of the said Town as the said Commissioners shall consider to require the same, and shall keep the said lamps in fit order for public use, and shall keep and employ a sufficient number of persons to cleanse, prepare, repair, and light the same, and shall also from time to time, as shall be required, increase or otherwise alter the number and situation of the said lamps, as to them shall appear necessary for the lighting of the said Town.

XXX. The said Commissioners and their said Surveyor and other Officers shall cause all the public streets of the said Town, together with the foot pavements or foot-paths therein, from time to time to be properly swept and cleansed, and all dust, dirt, soil, ashes, rubbish and filth of every sort which may be found thereon, to be

collected and removed therefrom at convenient hours and times and shall cause all or any of the privies, cess-pools, and drains within the said Town to be cleansed and emptied in a sufficient and proper manner by the owners or occupiers of the premises; and the said Surveyor, or other subordinate officer of the Commissioners, shall give such orders and directions to the owners and occupiers aforesaid as to the said Surveyor or other officer as aforesaid, acting under the orders and control of the said Commissioners, shall appear proper and necessary, and the said Commissioners may, in their discretion, order and direct where, and in what places, and how, and in what manner, the dust, dirt, soil, night-soil, ashes, rubbish and filth collected in the said Town shall be deposited and disposed of.

XXXI. The owners of any private drains in the said Town shall by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose, prevent as far as possible the effluvia of sewers and drains from exhaling from gully-holes, gratings, or any other openings whatsoever of drains or sewers in streets or other places, and in case the owner of any private sewer or drain shall neglect or delay so to do, the Surveyor of the said Commissioners shall give him notice to prevent as far as possible the effluvia of such sewer or drain from so exhaling, and of the same shall not be done by such owner within ten days after such notice shall have been given to him, the said Surveyor shall forthwith provide and apply proper traps or other covering, or such other means as aforesaid, so as effectually to prevent such effluvia from exhaling, and the expense incurred thereby shall be paid by the owner of such sewer or drain, to be recovered in manner hereinafter mentioned.

XXXII. If upon the representation of the Surveyor of the Commissioners, and after inquiry by such other ways and means as the Commissioners may think fit to direct, the said Commissioners shall certify, (such certificate to be published in the *Calcutta Gazette* and in one of the English and Bengallee newspapers respectively usually circulated within the Town,) that any burial-ground situated within the said town is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship within the Town is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of or underneath the same, and that sufficient means of interment exist within a convenient distance from such burial-ground, church, or place of public worship, it shall not be lawful, after a time to be named in such certificate, to bury or permit or suffer to be buried any further corpses or coffin in, within, or under the ground, church or place of worship to which the certificate relates, except in so far as may be allowed by such certificate, and whosoever after notice of such certificate buries or causes, permits, or suffers to be buried any corpse or coffin contrary to this enactment, shall for every such

offence be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Company's Rupees five hundred.

XXXIII. No vault or grave shall be constructed or made within the walls of or underneath any church or other place of public worship built in the said Town after the passing of this Act, and no burial-ground shall be made or formed within the said Town after the passing of this Act without the consent of the Commissioners first had and obtained, and whosoever shall bury or cause, permit, or suffer to be buried any corpse or coffin in any vault, grave or burial ground constructed, made, or formed contrary to this enactment, shall for every such offence be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Company's Rupees five hundred.

XXXIV. No writ or process shall be issued out against or served upon any Commissioners, or any Secretary, Surveyor, or other officer or person whomsoever acting under the direction of the Commissioners, for any thing done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at his office or place of abode, explicitly stating the cause of action and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause, and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant, and every such action shall be brought or commenced within three calendar months next after the accrual of the cause of action, and not afterwards, and if any party shall have committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act or by virtue of any power or authority hereby given, and if before action brought in respect thereof such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

XXXV. No matter or thing done, or contract entered into by the Commissioners, or any one of them, or by any Secretary, Surveyor, or other officer or person whomsoever acting under the direction of the Commissioners, shall, if the matter or thing were done, or the contract were entered into *bonâ fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense incurred by any such Commissioners, Secretary, Surveyor, or other officer or person acting as last

aforesaid, shall be borne and repaid out of the funds under the control of the Commissioners.

XXXVI. All the streets existing within the said Town at the time of the passing of this Act, and all parts of the said Town which shall hereafter become streets, and also the pavements, stones and other materials therein, and all erections and building materials, implements, or other things provided for the said streets, by or under the authority of the Government of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, and also all public sewers and drains within the said Town, together with all works, materials and things therewith connected and belonging, existing in the said Town at the time of the passing of this Act, or which shall hereafter be constructed and made therein by the said Commissioners or otherwise, and also all canals, aqueducts, conduits, tunnels, water-works, cisterns, pumps, pipes, tanks, reservoirs, and wells which now are or shall hereafter be provided or lawfully applied to public use, and which are not the property of any private person, together with all buildings, engines, works, materials and things therewith connected, existing in the said Town at the time of the passing of this Act, or which shall hereafter be constructed and made therein at the costs of the said Commissioners or otherwise, and also all lands surrounding and belonging to public tanks and slips of ground alongside of any street, drain or aqueduct not the property of any private person, and also all lands belonging to the late Lottery Committee and not legally appropriated, and also all dirt, dust, dry and liquid filth, ashes and rubbish to be collected from the streets, houses, privies, sewers and cess-pools and elsewhere within the said Town, shall be the property of and are hereby vested in the said Commissioners as Trustees for the purposes of this Act.

XXXVII. Nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act, would be deemed and adjudged to be a nuisance at Common Law, nor to exempt any person guilty of a nuisance at Common Law, from prosecution or action in respect thereof. Provided always, that if any person convicted of an offence under this Act, shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof, or shall have suffered imprisonment in respect of such offence, in every such case he shall be released from all further or other criminal proceedings for the same offence.

XXXVIII. It shall be lawful for any person, at his own expense, to make or branch any drain into any of the sewers vested in the said Commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by the said Commissioners, such drain being made of such a size and in such a manner of communication in all respects as the said Surveyor of the said Commissioners shall direct,

and for that purpose to take up and remove with the permission of the Commissioners so much of the pavement and other materials of any street as may be required, unless the said Commissioners shall consent and agree, which they are hereby authorized to do, to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street; and in case any person shall make or branch any drain into any of the said sewers so vested in the said Commissioners, or authorized to be made under and by virtue of this Act, of a different size or in a different manner and form of communication than shall be directed or appointed by the said Surveyor, every person so offending shall for every such offence forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding Fifty Rupees, and in default of payment shall be imprisoned for any period not exceeding one month, and the said Justice shall order the said person so offending to alter such drain as required by the said Commissioners within ten days, and in default the said Commissioners shall, at the expense of the maker of such drain, alter or destroy the same as they shall think fit, and in case the expense of making such alteration or destruction shall not be paid by the owner or maker of such drain, the expense incurred thereby shall be recovered in manner hereinafter mentioned.

XXXIX. It shall be lawful for the said Commissioners to cantract and agree with the owners of any houses or other tenement within the said town, that any drains required to be constructed and made by such owners shall be constructed and made by the Surveyor of the said Commissioners, and the cost price of making such drains, (as certified by the said Surveyor of the said Commissioners,) shall be repaid by such owners to the said Commissioners, and in default of such payment, the same may be recovered in the manner hereinafter provided.

XL. Before beginning to dig or lay the foundation of any new house, building or wall within the said Town, or to rebuild any house, building, or wall therein, contiguous or near to any street, and not being within the compound wall of any premises, and also before making any sewer or drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Commissioners, fourteen clear days' notice in writing shall be given to the Secretary of the said Commissioners, by delivering the same to him or leaving it at his office by the person intending to build or rebuild such house, building, or wall, or to make such sewer or drain; and every foundation of any such house, building, or wall, and the drains within the same, shall be laid at such level as the Surveyor of the said Commissioners shall direct, and so as that no part of the said house, building, or wall shall project or encroach into or over the adjoining street, drain, or aqueduct, and so as that the said drains may be properly built with reference to the adjoining public drains, and every such branch

drain shall be made in such direction, manner, and form, and of such materials and workmanship as the said Surveyor shall order, and the building or re-building of any such house, building, or wall shall be under the survey and control of the said Commissioners and their Surveyor so far as may be necessary to prevent any projection or encroachment in or over any street, drain, or aqueduct, and to insure that the level of the drains within such house, building, or wall shall be properly built with reference to the public drains; and in default of such notice as aforesaid, or if such building or drain shall be begun, or made without, or in any respect contrary to, any order of the said Surveyor, or of the provisions of this Act, it shall be lawful for the said Commissioners to cause such building to be demolished, and to cause such drain to be re-laid, amended, destroyed, or re-made, as the case may require, and cause the expenses thereof to be levied and repaid to them from and by the owner thereof in manner hereinafter provided.

XLI. Every person upon conviction before any Justice of the Peace, on the testimony of one or more credible witnesses, shall be liable to a penalty of not more than fifty Rupees, or in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding one month, who, within the limits of the said Town, shall commit any one of the following offences; (that is to say.)

1. Every person who shall throw or put, or cause or order or allow his servants to throw or put, or from whose premises shall be thrown or put any dirt, dung, mud, dust, ashes, garden or stable refuse or rubbish of any kind, or the carcase of any dog or other animal, or any flesh or other part of an animal, or any animal matter, upon any of the public streets, except between the hours of midnight and seven in the morning.

2. Every person who shall throw or put, or cause or allow to be thrown or put, or from whose premises shall be thrown or put any broken bottles, glass, china or crockery-ware upon or into any street, drain or aqueduct.

3. Every person who shall keep, or allow to be kept, for more than twenty-four hours, any dirt, dung, mud, dust, bones, ashes, night-soil or other rubbish of a perishable and noisome kind in or upon any house, out-house, yard, or ground occupied by him.

4. Every person being the owner or occupier of any private tatty, drain, sewer, cess-pool, tannery, or other receptacle of filth, who shall neglect or refuse to keep the same in a clean and proper state, or to employ proper means to remove any noisome smell or the filth therefrom, or who shall expose the contents of such privy to the view of the passers by in the street.

5. Every person being the owner or occupier of any house, hut, building, or lands, whether tenantable or otherwise, who shall suffer the same to be in a filthy and unwholesome state, or overgrown with rank and noisome vegetation.

6. Every person who shall cause or allow the water of any sink, sewer or drain, or other offensive liquid matter belonging to him, or running through or being on his land, to run, drain, or be carried into or upon any of the streets, tanks, aqueducts, or reservoirs belonging to the Commissioners, or who shall commit or cause any act whatsoever whereby the water provided for the domestic use of the inhabitants of the Town shall be in any way fouled or corrupted, or who shall throw or put, or cause or order or allow his servants to throw or put, or from whose premises shall be thrown or put, any dirt, dung, mud, dust, ashes, night-soil, garden or stable refuse or other rubbish, into any of the public sewers or drains, or into any reservoirs, tanks, aqueducts, or other water-works belonging to the Commissioners.

7. Every person who shall have or keep any common tatty, privy, or urinal, on any ground owned or occupied by him within the Town, without a license first had from the Commissioners, who are hereby authorized to grant the same under the hand of their Secretary. Such license shall be granted for one year, and shall be renewed or not every year according to the discretion of the Commissioners.

8. Every person being the owner or farmer of any licensed tatty, privy, or urinal within the said Town, who shall suffer such tatty, privy, or urinal to be kept in a filthy and unclean state, or shall neglect to employ proper means for cleaning and regulating it.

9. Every person who shall wantonly or wilfully destroy, injure, or deface any of the lamps or lamp-posts in the said streets, or extinguish any light therein, or abstract or take away from any of the said lamps any oil or other matter or thing therein, or any part thereof, without the order of the said Commissioners or of their said Surveyor, or who shall wantonly or wilfully destroy, injure, or deface any board bearing on it the name of any street or the number of any building or land within the said Town, or any notice of the said Commissioners fixed or posted up in any place.

10. Every person who shall displace, take up, or make any alteration in the pavements, flags, stones, fences, posts, or other materials of any foot or carriage-way in any street, without the consent in writing of the said Commissioners or of their said Surveyor, or who shall cause any obstruction to or make any encroachments upon any street or upon any sewer, drain, aqueduct or space of ground alongside a street, drain or aqueduct.

11. Every person who shall take down or remove any fences or boards, or any bars, chains, or posts erected by the said Commissioners, or extinguish any light attached to or connected with the said fences, boards, bars, chains, or posts without the authority or consent of the said Commissioners or their Surveyor.

12. Every person who shall carry or cause to be carried in carts, pots, handies, or other vessels any night-soil or urine, or other noisome or offensive matter through the public streets except between the hours of midnight and eight in the morning, or who shall carry or cause to be carried any night-soil or urine in such manner that any offensive smell or drainings issue therefrom, or who shall place or set down in any public place any vessel containing night-soil or urine, or who shall carry or cause the same to be carried in any other than covered carts or vessels, or who shall throw or deposit any night-soil in or upon any street.

13. Every person who shall bathe or wash any part of his person in any public street, or upon or in any of the tanks, reservoirs, aqueducts, water-works, or drains belonging to the Commissioners except in such of the said tanks, reservoirs, aqueducts, water-works, or drains as the Commissioners shall set apart for that purpose.

14. Every person who shall wash or cause to be washed any horse, dog, or other animal, or any cloth, wearing apparel, leather, or skin of any animal, or any foul or offensive thing on any street, in or near any tanks, reservoirs, aqueducts, water-works, or drains belonging to the Commissioners, or on or in the road adjoining thereto, except in such of the said tanks, reservoirs, aqueducts, water-works, or drains as the said Commissioners shall set apart for that purpose.

15. Every person who shall wilfully and indecently expose his person, or who shall commit nuisance in any of the public streets.

16. Every person being the owner or occupier of any house, hut, or building within the Town which has a drain on the same side of the street wherein such house, hut, or building is situate, who shall cause or allow any water, or liquid matter from or on such house, hut, or building to flow or be carried through pipes, gutters, water-spouts or other means on any part of any public street, or on any place but his own land or the public drain, or who shall refuse or neglect to remove or alter the direction of any such pipe, gutter, or water-spout after the expiration of ten days' notice for that purpose given by the Surveyor of the said Commissioners; and any person being the owner or occupier of any house, hut, or building in the said Town, which has not a drain on the same side of the street as such house, hut, or building, who shall convey the water from the said house, hut, or building in or upon any public street, through pipes or water-spouts the mouths of which shall be higher than two feet from the ground.

17. Every person being the owner or occupier of any house, hut or building, who shall cause or allow any verandah, balcony, sun-shade, or other part of any house, hut, or building to overhang and project into any public street or public place at a height of less than eleven feet from the level of the roadway, or to a distance exceeding four feet from the house, and who shall refuse or neglect to take down and remove such verandah, balcony, sun-shade or other projection after the expiration of fifteen days' notice for that purpose given by the Surveyor.

18. Every person who shall, after the passing of this Act, erect or set up any verandah, balcony, sun-shade, or other projection of any kind which may overhang and project into the road at any height and to any distance without license first obtained from the Commissioners under the hand of their Surveyor.

19. Every person who shall wash or cleanse, or cause or order or allow his servants to wash or cleanse any carriage or other conveyance, or horse or other animal, or whose carriage or other conveyance, or horse or other animal shall be washed or cleansed in any public street or other public place.

20. Every person who shall place, set up, or build in any public street within the Town, any board, scaffolding, post, bar, rail, hoards, or other thing by way of inclosure for the purpose of making mortar or of depositing, sifting, screening, or slackening any bricks, stone, lime, sand or any other materials for building or repairing any house or any other building, or for any other purpose whatsoever without license first obtained from the Commissioners, who are hereby authorized to grant such license, under the hand of their Surveyor, or who shall set up or build the same in any other manner, or allow or cause the same to be continued for any longer time than shall be allowed or expressed in such license, or who shall cause or allow any of the building materials or other things to extend beyond the distance expressed in the license.

21. Every person who shall have been allowed by the Commissioners to set up any scaffolding or deposit any bricks, stone, lime, sand, or other building materials on the public streets, and who shall not cause a light to be set up every night from sunset to sunrise on every such erection or obstruction.

22. Every person who shall build any wall, or erect any fence or obstruction, or set up any post so as to be an obstruction in any street, whether the proprietary right to such street shall be in dispute or not.

23. Every person who shall set out, place or expose, or cause to be set out, placed, or exposed, whether for sale or otherwise any stall, booth, show-board, basket, cask, or meat, fish, vegetable, fruit, groceries, or any other merchandise or goods of any kind, or any stone, bricks, earthen-ware, hard-ware, timber, or any other thing whatsoever whether animal, vegetable, or mineral, in or upon any of the public street or on or over any drain, sewer or aqueduct.

24. Every person who shall sift or clean, or cause to be sifted or cleansed, or exposed for any other purpose any cotton, grain, seeds, rice, coffee, onions, or any other vegetable matter whatsover, or who shall sift brickdust or lime on any public street, or on or over any public drain, sewer, reservior or aqueduct.

25. Every person who shall keep or leave any carriage, cart, hackery, or other conveyance, or any horse, ox or other animal, on any public street or on or over any public drain, sewer, or aqueduct, so as to cause an obstruction in the streets or public thoroughfare.

26. Every person who shall set fire to or burn any straw, hay, seeds, timber or any other matter, or light any bonfire or fire in any public street, or discharge any kind of fire-arms or any air-gun, or let off or throw any kind of fire-works or send up any fire-balloon any where in the said Town.

27. Every person who shall beat or sound any musical or sounding instrument, or any brass or metal utensil in the public streets, except at such times and places as shall be from time to time appointed by the Chief Magistrate upon application made to him for that purpose.

28. Every person, other than the said Commissioners or their servants, who shall affix any bill, notice, or any paper against or upon any building, wall, fence or board, or who shall write upon, deface, or mark with chalk, or paint, or in any way whatsoever, any building, wall, fence, or board without the consent of the owner or occupier thereof.

29. Every person who shall expose or allow to be exposed within the limits of the said Town any animal, carcase, meat, poultry, game, flesh, fish or vegetables in a decayed and unwholesome state and unfit for the food of man.

30. Every person who shall slaughter or cut up any beast, sheep, swine, or other animal in any public street, or so near thereunto that any blood or filth or other matter from the same shall flow or be carried into such street.

31. Every person being the owner, occupier, or farmer of any public market, bazar, or slaughter-house, who shall keep or allow the same to be kept in a filthy and unclean state, and shall refuse or neglect, after the expiration of two days' notice to be given by the said Commissioners or their Surveyor, Overseer, or Bazar Inspector, to cause such market, bazar, or slaughter-house to be properly cleansed and the filth thereof removed.

32. Every person who shall keep in any street, house, out-house, yard, or ground within the Town, any swine or a flock of more than twenty sheep, goats, or horned cattle.

XLII. It shall be lawful for the said Commissioners, with the concurrence of the Chief Magistrate, to set apart, at their discretion, certain of the public ghauts on

the Calcutta bank of the River Hooghly for the purpose of being used as bathing places, and every person who shall by landing goods or merchandise at the said ghauts, or who shall by anchoring or otherwise fastening or keeping boats or vessels of any description in any manner obstruct or incommode the bathers at any such ghaut, shall be liable, on conviction before a Justice of the Peace, to a fine not exceeding fifty Rupees, or, at the discretion of such Justice, to imprisonment for a period not exceeding one month.

XLIII. It shall be lawful for the said Commissioners, with the concurrence of the Chief Magistrate, at their discretion, to grant a license to any person permitting him to put up posts on the side of any public street for the purpose of affixing thereon lamps to illuminate the said street on occasions of festivals or ceremonies; and any person who shall put up any such post, or affix any such lamp for any purpose, without license first had and obtained from the Commissioners under the hand of the Secretary or Surveyor, shall, on conviction thereof before a Justice of the Peace, be liable to a fine not exceeding one hundred Rupees, and in default of payment, shall be imprisoned for any period not exceeding one month.

XLIV. Every person being the owner, occupier, or farmer of any public market, bazar, or slaughter-house within the Town, shall cause such market, bazar, or slaughter-house to be registered at the Office of the Commissioners, with a general description of the place, size, number of shops and stalls, and kinds of goods therein exposed for sale; and if he shall refuse or neglect so to register the same, he shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred Rupees, and in default of payment thereof, shall be liable to be imprisoned for any period not exceeding one month.

XLV. No place shall be used or occupied as a slaughter-house, within the said Town, which was not in such use and occupation at the time of the passing of this Act, and has not so continued ever since, unless and until a license for the erection thereof, or for the use and occupation thereof, as a slaughter-house has been obtained from the Commissioners, and every person who, without having first obtained such license as aforesaid, shall use as a slaughter-house any place within the said limits not used as such at the time of the passing of this Act, and so continued to be used ever since, shall for every such offence forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred Rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding one month.

XLVI. Every person being the owner, occupier, or farmer of any market, bazar, tannery, or slaughter-house within the said Town is required to have such a number of drains therein as shall be considered sufficient by the Commissioners, and shall have all the floors and drains paved with stone or burnt brick, and he shall

have also therein a supply of water sufficient in the judgment of the Commissioners to keep the whole place in a clean and wholesome state at all times, and in default thereof for four weeks after notice given to him by the Surveyor, Overseer, or Inspector of markets that such market, bazar, tannery, or slaughter-house is defective in any of the said particulars, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred Rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding two months.

XLVII. Any person who, after the passing of this Act, shall establish any new tannery or other manufactory within the said Town, from which an offensive or unwholesome smell may arise, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding two hundred Rupees, and in default of payment shall be liable to be imprisoned for any term not exceeding two months.

XLVIII. All doors and gates put up after the passing of this Act within the limits of the said Town, and which open upon any street, shall be hung or placed so as not to open outwards; and if any such door or gate be hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do the Commissioners may make such alteration, and the expenses of such alteration shall be paid to the Commissioners by such occupier, and shall be recoverable from him in manner hereafter mentioned. And if any such door or gate was before the passing of this Act hung so as to open outwards upon any street, the Commissioners may alter the same, or cause the same to be altered, so that no part thereof when open shall project over any public way.

XLIX. Every person being the owner or occupier of a house in the Town, shall fix, at his own expense, in a conspicuous place outside of the house or of his gate, in the street, the number of the same, as recorded in the assessment books, and no other number, and the said number shall be in legible figures at least three inches in length, and any person who, after the expiration of three months after the publication of this Act, shall neglect or refuse to have such number affixed, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding fifty Rupees.

L. Every person being the occupier of a house in the said Town, and rated at a gross monthly rental of Rupees seventy and upwards for the same, shall fix, at his own expense, in a conspicuous place outside of his house, or if the said house be in a compound, outside of his gate, in the street, a lamp, of a pattern to be approved or allowed by the Commissioners, and the said occupier shall keep and maintain a good and sufficient light burning in the said lamp throughout the night, and any person who, after the expiration of three months next after the passing of this Act,

shall neglect or refuse to have such lamp affixed as aforesaid, or who shall on any night after the expiration of the said three months, neglect or refuse to keep a good and sufficient light burning therein as aforesaid shall, on conviction before a Justice of Peace, forfeit and pay a sum not exceeding one hundred Rupees.

LI. When any person shall have been convicted under the provisions of this Act, and shall not, within seven days after such conviction, discontinue the nuisance or cease to commit the offence, for which he was so convicted, such person shall be again liable to the penalties and punishments provided by this Act for such nuisance or offence, and may be again convicted or sentenced under this Act accordingly, and in cases where by the provisions of this Act, offenders are required to have notice given them to remove the obstruction or nuisance previous to being liable to the penalties imposed by this Act, if such parties being once warned shall be convicted, and shall again offend against the provisions of this Act, it shall not be necessary to repeat the notice aforesaid, but the parties may be summoned at once.

LII. Any person who shall wilfully obstruct or molest the said Commissioners or any of them, or their Secretary, Surveyor, or other Officer or Workman employed by them under the provisions of this Act, or any person or company with whom they may have contracted under the provisions of this Act, or any person employed by them in the performance or execution of any duty or thing which they are respectively required or authorized to do under this Act, shall, for every such offence, on conviction before a Justice of the Peace, forfeit and pay any sum not exceeding one hundred Rupees, or, in the discretion of the said Justice before whom he is convicted, to imprisonment, with or without hard labour, for a period not exceeding three months.

LIII. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act for any offence complained of before a Justice of the Peace, unless the complaint respecting such offence shall have been made before such Justice within three months next after the commission of such offence. Provided always that nothing in this Section contained shall be construed so as to prevent the removal at any time of any obstruction or encroachment in or upon any of the streets or lands, or the imposing or levying at any time of any penalty or forfeiture in respect thereof.

LIV. In all cases where any damages, costs, or expenses are by this Act directed to be paid, and the method of ascertaining the amount or of enforcing the paying thereof is not provided for, such amount in case of dispute shall be ascertained and determined by arbitration, in like manner as is provided for proceeding by arbitration under Act No. XXII. of 1847, and if the parties cannot agree upon two persons or arbitrators, or the arbitrators fail to pronounce their award as afore-

said, then by any two Justices of Calcutta, and if the amount so ascertained be not paid by the said Commissioners or by the other party liable to pay the same, as the case may be, within seven days after demand thereof, the amount may be recovered by action of debt or on the case in Her Majesty's Supreme Court of Judicature or the Calcutta Court of Small Causes.

LV. The said Commissioners shall publish short particulars of the several offences for which any penalty or punishment is imposed by this Act, affecting other persons than Officers or servants of the said Commissioners, and of the amount of every such penalty and punishment, and shall cause such particulars to be painted on a board, or to be printed upon paper and posted on a board in English and Bengallee, and shall cause such board to be hung up or affixed in some conspicuous place in the Office of the Secretary of the said Commissioners, and when any such penalties are of local application, shall cause such boards to be affixed in some conspicuous place of the immediate neighbourhood to which such penalties are applicable or have reference.

LVI. Every penalty or forfeiture imposed by this Act, or any expense incurred by the said Commissioners in respect of any private drains, sewers, doors, or other things as aforesaid, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before any Justice of the Peace of Calcutta, and on complaint being made to any such Justice, he shall issue his summons requiring the party complained against to appear before him, at a time and place to be named in such summons, and every such summons shall be served on the party offending, either in person or by leaving the same at his usual or last known place of abode, and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for such Justice to proceed to the hearing of the complaint, which complaint shall be reduced to writing, and upon proof of the offence, or of the expense having been incurred, either by the confession of the party complained against or upon the oath or solemn affirmation of one credible witness or more, it shall be lawful for such Justice to convict the offender or party summoned as aforesaid, and upon such conviction to adjudge the offender to pay the penalty, or forfeiture, or suffer the punishment, or to pay the expense incurred under the provisions of this Act, as well as such costs attending the conviction as such Justice shall think fit, which penalty or forfeiture and costs so adjudged may be levied by distress.

LVII. Where in this Act any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such sum of money and the expenses of the distress and sale, shall be returned on demand

to the party whose goods shall have been distrained, or instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any penalties, forfeitures, or expenses imposed or incurred under the provisions of this Act, the Commissioners, or any one or more of them, if they think fit, may authorize their Secretary or other person to sue the person liable to pay such penalty, forfeiture, or expenses, or any part thereof in the Calcutta Court of Small Causes; and the costs, if any, incurred in any such suit, which are not recovered in the suit, may be defrayed out of the taxes levied under the provisions of Act X. of 1852.

LVIII. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action on the case in Her Majesty's said Supreme Court, or in the Calcutta Court of Small Causes.

LIX. The Justice of the Peace by whom any such penalty or forfeiture shall be imposed may, when the application thereof is not otherwise provided for, award not more than one-half thereof or any less sum to the informer, if he shall think fit so to do, and shall award the remainder or the whole thereof to the said Commissioners, to be by them applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the Secretary of the said Commissioners for that purpose, whose receipt shall be a good and sufficient discharge to the person so paying the same.

LX. If through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and if the amount of such damage shall not be paid on demand, the same may be recovered by action of debt, or on the case, in the Calcutta Court of Small Causes, or in Her Majesty's said Supreme Court of Judicature.

LXI. It shall be lawful for any Justice of the Peace to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction under the provisions of this Act, at a time and place to be mentioned in such summons, and require from him, on oath or solemn affirmation, that he will testify the truth in such matter; and if any person so summoned shall without reasonable cause refuse or neglect to appear at the time and place appointed for that

purpose, having been paid or tendered a reasonable sum for his expenses, if from distance or any other cause he shall be lawfully entitled to claim such expenses, or if any person appearing shall refuse to be examined on his oath or solemn affirmation according to law, or to give evidence before such Justice, every such person shall for every such offence forfeit and pay a sum not exceeding Two Hundred Rupees, or, at the discretion of such Justice, shall be imprisoned for any term not exceeding one month.

LXII. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender only shall include the female; the word "person" shall include corporations, whether aggregate or sole; the words "oath" "affirmation," and "solemn affirmation," when used alone, shall include oath or affirmation or other declaration lawfully substituted for an oath in such case by any legislative Act of the Governor General of India in Council, or by any Act of the Parliament of Great Britain extended to India; the word "street" shall include any public square, circus, street, court, alley, foot-path, highway, lane, road, thoroughfare, public passage, or other public place within the said Town; the word "lands" shall include messuages, buildings, walls, tenements, and hereditaments of any tenure as well as lands; the words "the said Commissioners" shall mean the Commissioners for the time being appointed or acting under the provisions of Act No. X. of 1852, and the word "month" shall mean Calendar month.

ACT No. XIII. OF 1852.

Passed on the 27th February 1852.

AN ACT for consolidating and amending the Regulations of the Calcutta Police.

Whereas it is expedient to consolidate and amend divers Rules, Ordinances, and Regulations which from time to time have been passed in Council, and registered in the Supreme Court, for the good order and civil government of the Presidency and Settlement of Fort William in Bengal; It is enacted as follows:

I. Section VIII. of Act XXI. of 1839, and the Rules, Ordinances, and Regulations for the good order and civil government of the Settlement of Fort William in Bengal, passed in Council, and registered in the Supreme Court, on the several days hereinafter mentioned, are repealed, but not so as to revive any other Rules, Ordinances, and Regulations thereby repealed.

List of Repealed Ordinances

Date of passing in Council.	Date of Registry in the Supreme Court.
26th July 1814.	11th November 1814.
1st March 1816.	26th March 1816.
23rd March 1816.	13th April 1816.
14th June 1816.	8th July 1816.
19th October 1816.	12th November 1816.
28th March 1817.	21st April 1817.
13th January 1818.	7th February 1818.
9th July 1819.	22nd October 1819.
24th March 1820.	17th April 1820.
21st August 1821.	13th November 1821.
8th March 1827.	27th April 1827.

II. If any person within the said Town, having sufficient means or employment, shall not duly maintain his wife or his legitimate or illegitimate children, and shall be thereof convicted before a Justice of the Peace, upon his own confession or the oath of one or more credible witnesses, the said Justice may make an order upon such person for the maintenance of such wife and children, or any of them, at such monthly rate as to the Justice seems reasonable, and upon non-compliance with the said order for any one month, or longer period, any Justice, by warrant under his hand and seal, may commit the person so convicted to the Common Gaol of Calcutta without labor, or to the House of Correction to hard labor, for any time not exceeding two Calendar months.

III. Every person who shall be brought before a Justice of the Peace charged with having in his possession, or in his premises with his knowledge, or with conveying in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Justice how he came by the same, shall be deemed guilty of a missdemeanor, and, on conviction thereof before such Justice, shall be liable to a penalty not exceeding One Hundred Rupees, or, in the discretion of the said Justice, to imprisonment, with or without hard labor, for any time not exceeding three Calendar months.

IV. When any person shall be brought before a Justice of the Peace charged with having in his possession, or in his premises with his knowledge, or with conveying any thing stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, such Justice shall cause every such person, and also if necessary every former or pretended purchaser, or other person through whose possession the same shall have passed, to be brought before him

and examined, and shall examine witnesses upon oath touching the same; and if it shall appear to such Justice that any person shall have had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be deemed guilty of a misdemeanor, and shall be liable to a penalty not exceeding One Hundred Rupees, or, in the discretion of the Justice, may be imprisoned, with or without hard labor, for any time not exceeding three Calendar months; every such person shall be deemed to have had possession of such thing at the time and place when and where the same shall have been found or seized, and the possession of a carrier, agent, or servant, shall be deemed to be the possession of the person who shall have employed such carrier, agent, or servant to keep or convey the same.

V. If information shall be given on oath to a Justice of the Peace that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, building, or other place, such Justice, by special warrant under his hand directed to any Police Officer or Constable, may cause such dwelling-house, building, or other place to be entered and searched at any time of the day, or by night if power for that purpose be given by such warrant, and the said Justice, if it shall appear to him necessary, may empower such Police Officer or Constable, with such assistance as may be found necessary, (such Constable having previously made known his authority,) to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made any such thing shall be found, then to convey the same before a Justice, or to guard the same on the spot, until the offenders are taken before a Justice, or otherwise dispose thereof in some place of safety, and moreover to take into custody, and carry before the said Justice every person found in such house or place who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

VI. If information shall be given to any Superintendent, Deputy Superintendent, or Inspector belonging to the Calcutta Police, that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any dwelling-house or other place, and the said Superintendent, Deputy Superintendent, or Inspector shall have good grounds for believing that, by reason of the delay in obtaining a search-warrant, the property is likely to be removed, the said Superintendent, Deputy Superintendent, or Inspector, in virtue of his office, may search for specific articles alleged to have been stolen in the houses and places specified; provided always, that a list of the articles stolen or missing be delivered and taken down in writing, with a declaration stating that the robbery has been committed, and that the informant has good ground to believe that the property is deposited in such house or

place; and provided further, that the person who lost the goods, or his representative, accompany the Officer in the search.

VII. All persons charged with the commission of any of the offences specified in Acts XXI. of 1839 and III. of 1842, may be tried by any Justice of the Peace for the said Town, provided the value of the property which the prisoner is charged with having stolen does not, according to the belief of such Justice, exceed fifty Rupees, any thing in the said Acts to the contrary notwithstanding; and all the powers by Act XXI. of 1839 (except Section VIII. aforesaid,) and Act III. of 1842, given or reserved to any such Justice for the trial, conviction, and sentence of parties charged with having stolen property not exceeding twenty rupees in value, and all the provisions of the said Acts (except as aforesaid) shall extend and be applicable to the trial, conviction, and sentence of parties charged with having stolen property, not exceeding, according to the belief of the Justice, fifty Rupees in value.

VIII. Every person charged with the offence of feloniously receiving goods or money, knowing the same to be stolen, may be tried by any Justice of the Peace, provided that the value of the property stolen or received does not, according to the belief of the Justice, exceed fifty Rupees, and every such person, on conviction of any such offence, shall be liable, at the discretion of the Justice, to be imprisoned, with or without hard labor, for any term not exceeding six Calendar months; and all the powers and provisions of Act III. of 1842 and Act XXI. of 1839, except Section VIII. aforesaid, shall apply, so far as they may be applicable, to the trial, conviction, and sentence of any person charged under this Section with the offence of feloniously receiving goods or money knowing the same to be stolen; Provided always, that if it shall appear to the said Justice that such person has been previously convicted of, or is in the habit of receiving stolen goods, knowing the same to be stolen, the said Justice shall commit such person for trial before the Supreme Court of Judicature.

IX. Every person who is accessory, before or after the fact, to any felony which is punishable on summary conviction before any Justice, is liable to be tried and convicted summarily before such Justice, on his own confession or the oath of one or more credible witnesses, and the convicting Justice shall have power to sentence any such accessory to imprisonment, with or without hard labor, for any time not exceeding six Calendar months, or in his or their discretion, instead of trying him to commit him for trial to the Supreme Court of Judicature, or other Court having authority to try him.

X. Whenever any boy, under the age of sixteen years, is convicted before a Justice of the Peace, either of simple larceny under the said Act XXI. of 1839, or, under this Act, of feloniously receiving goods or money knowing the same to be

stolen, or of being an accessory to any felony which is punishable on summary conviction before any Justice, the said Justice, if he thinks fit, may sentence him to receive corporal punishment not exceeding fifteen stripes of a light ratan, instead of sentencing him to imprisonment.

XI. Any person who shall commit any assault, forcible entry, or other injury accompanied with force, not being felony, within the said Town, against the person or property of any person whatsoever, shall be liable, on conviction thereof before a Justice of the Peace, to a fine not exceeding One Hundred Rupees, and the said Justice may award the whole or any part of such fine to the party or parties aggrieved, by way of satisfaction for such injury, or in the discretion of such Justice, such person shall be imprisoned, with or without hard labor, for any time not exceeding four Calendar months.

XII. Any Deputy Superintendent or Inspector of Police may take into custody, or authorize a Constable to take into custody, without warrant, any person who within the said Town shall be charged by any other person with committing an aggravated assault, in every case in which such Deputy Superintendent or Inspector of Police shall have good reason to believe that such assault has been committed, although not within view of such Deputy Superintendent or Inspector, and that by reason of the recent commission of the offence, a warrant could not have been obtained for the appearance of the offender.

XIII. If complaint shall be made before any Justice that any person within the said Town has unlawfully taken or caused to be taken away against her will any woman, or has unlawfully taken or caused to be taken or enticed away any female child under the age of sixteen years, out of the possession or protection and against the will of the husband, father, mother, guardian or other person who has the lawful order, keeping, education, or government of such child, for the purpose of living in adultery with such woman or child, or for purposes of prostitution, or of deflowering or disposing of her in marriage, it shall be lawful for the said Justice to make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, father, mother, guardain, or such other person as aforesaid, as the case may be, and to compel compliance with such order; and if it be necessary to use force for that purpose, any Deputy Superintendent or Inspector of Police, duly authorized by the Justice in that behalf, with such assistants as he may deem necessary, may break open doors or otherwise compel compliance with the same, and the said Justice may commit any person charged with taking, or causing to be taken, or enticing any woman or female child as aforesaid, for any of the purposes aforesaid, for trial before the Supreme Court of Judicature.

XIV. Any person who shall have or keep any house, shop, room, or place of public resort and entertainment within the said Town, wherein provisions, liquors,

or refreshments of any kind shall be sold or consumed, (whether the same shall be kept or retailed therein or procured elsewhere,) without a license for the same being first had and obtained from and under the hand of two Justices of the Peace, shall be liable, on conviction thereof before any of the said Justices, to a penalty not exceeding One Hundred Rupees for every day that such unlicensed house or place of public resort or entertainment is kept open.

XV. Two or more of the said Justices shall from time to time hold licensing Sessions, for the purpose of granting licenses to the keepers of such houses or places of public resort and entertainment as aforesaid, and the said licenses may be granted by the said Justices for any term not exceeding one year, subject to the restriction contained in Section XII. Act XI. of 1849, and upon such conditions to be inserted in every such license as the Justices from time to time shall order, for securing the good behaviour of the keepers of the said houses or places of public resort or entertainment, and the prevention of drunkenness and disorder among the persons frequenting or using the same.

XVI. The keeper of every such house or place of public resort and entertainment, who shall wilfully offend against any condition of his license, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding One Hundred Rupees for every such offence, and, in the discretion of the convicting Justice, to forfeit his license, in addition to any other penalty or punishment that shall be imposed on him.

XVII. Every person who shall have or keep any house, shop, room, or place of public resort or entertainment within the said Town, wherein provisions, liquors, or refreshments of any kind shall be sold or consumed, (whether the same shall be kept or retailed therein or procured elsewhere,) and who shall knowingly or wilfully permit drunkenness or other disorderly behaviour in such house, shop, room, or place, or who shall knowingly suffer any unlawful games or any gaming whatsoever therein, or who shall knowingly permit prostitutes or persons of notoriously bad character to meet or remain therein, or who shall wilfully harbour or conceal any Seaman or Apprentice who shall have deserted, knowing or having reason to believe such Seaman or Apprentice so harboured or concealed to be a deserter, shall be liable to a penalty not exceeding One Hundred Rupees, and shall be liable to forfeiture of his license in addition to any other penalty or punishment that shall be imposed on him.

XVIII. Every person who shall keep open his house, shop, room, or place, for the purpose of selling or retailing spirituous or fermented liquors or intoxicating drugs under a license from the Collector of Calcutta, after the hour of nine at night and before the hour of six in the morning, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Twenty-Five Rupees, and shall also be liable, in the discretion of the said Justice, to the forfeiture of his license.

XIX. If any person, not being amenable to the Articles of War, shall take or attempt to take into Fort William any quantity of spirituous liquors, wine, or intoxicating drugs of any description, without a license from the Commanding Officer of the said Fort, or from some other person thereunto authorized, any Justice of the Peace, upon complaint to him thereof made, may issue his summons or warrant for bringing the party complained of, and also the liquors, wine, or drugs, and the vessels containing the same, before him, and in case of conviction may adjudge the said liquors, wine, or drugs, and the vessels containing the same, to be forfeited, and every such person so convicted shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Fifty Rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labor, for any period not exceeding two Calendar months.

XX. Every person who shall take or throw, or attempt to take or throw, into the Great Gaol or House or Correction of Calcutta, any quantity of spirituous liquors, wine, or intoxicating drugs, without the license or consent of the Jailor or Keeper of such Gaol or House of Correction respectively, shall be liable for every such offence, on conviction before a Justice of the Peace, to a penalty not exceeding Fifty Rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labor, for any period not exceeding two months.

XXI. Every person who shall have been committed to the Great Gaol or House of Correction, or who shall be in custody at any Police Office or Station, and who shall unlawfully break or escape from such Gaol, House of Correction, Police Office or Station, shall be liable for every such offence, on conviction before a Justice of the Peace, to imprisonment, with or without hard labor, for any period not exceeding three months, and such imprisonment shall commence and take effect from and after the expiration of any other sentence of imprisonment under which such person may be imprisoned at the time of committing the offence aforesaid.

XXII. Every person who shall be found drunk and incapable of taking care of himself in any street or public thoroughfare, or who shall be guilty of any riotous or indecent behaviour in any street, public thoroughfare, Police Office, Station or Section House, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Twenty Rupees for every such offence, or, at the discretion of the said Justice, to imprisonment, with or without hard labor, for any period not exceeding fourteen days.

XXIII. Any Constable or Peace Officer belonging to the Calcutta Police may take into custody, without a warrant, any person who shall be found between sunset and sunrise armed with any dangerous or offensive instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, or

any loose, idle, or disorderly persons whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed, or being about to commit, any felony, misdemeanor, or breach of the peace, or any reputed thief whom he shall find between sunset and sunrise on board any boat in the river, or lying or loitering in any bazar, street, road, yard, thoroughfare or other place, and not giving a satisfactory account of himself, or any person having in his possession without lawful excuse (the proof of which excuse shall lie on such person), any picklock, key, crow, jack, bit, or other implement of house-breaking, or any person found between sunset and sunrise having his face blackened or otherwise disguised, with intent to commit any felony, or any person who shall be found between sunset and sunrise in any dwelling-house or other building whatsoever, with intent to commit any felony therein; and every such offender, on conviction before a Justice, either on his own confession or on the evidence of one or more credible witnesses shall be liable, at the discretion of the said Justice, to be imprisoned, with or without hard labor, for any term not exceeding four Calendar months.

XXIV. Every person who shall beg or apply for alms or relief in any public road, street, or thoroughfare, or who shall expose or exhibit any sores, wounds, bodily ailment or deformity in such roads, streets, or public thoroughfares, with the object of exciting charity or of obtaining alms or relief, or who shall anywhere within the Town seek for or obtain alms or relief by means of any false statements or pretences, or who shall cause, aid, or abet any such person as aforesaid in the commission of any of the said offences, shall, for every such offence, on conviction before a Justice, be liable to imprisonment, with or without hard labor, for any period not exceeding two Calendar months.

XXV. Every person who shall drive or ride furiously, or at a greater rate than ten miles an hour, any vehicle or animal in the said streets or public thoroughfares, shall, for every such offence, on conviction thereof before a Justice, be liable to a penalty not exceeding Fifty Rupees, or in default of payment thereof, to imprisonment for any period not exceeding one Calendar month.

XXVI. Every person who shall drive any vehicle of any description, at any time between one hour after sunset and one hour before sunrise, without having a lighted lamp, affixed to such vehicle, shall, for every such offence, on conviction thereof before a Justice, be liable to a penalty of not more than Fifty Rupees, or, in default of payment thereof, to imprisonment for any period not exceeding one Calendar month.

XXVII. If any person shall make oath before a Justice of the Peace that any house, building, room, or other place within the Town is commonly reported and believed to be kept or used as a common gaming-house or place, such Justice,

by an order in writing, may authorize a Deputy Superintendent or Inspector of Police to enter any such house, building, room, or place, with such Constables as he shall deem requisite to accompany him, and if necessary, to use force for the purpose of effecting such entry whether by breaking open doors or otherwise, and to take into custody and search all persons found therein, and to seize all tables and instruments of gaming found in such house, building, room, or place, or on the persons of any of those found therein, and also to seize all moneys and securities for money found in any such house, building, room, or place; and the owner or keeper of the said gaming-house, or place, or other person having the care and management thereof shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding One Hundred Rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labor, for any time not exceeding three Calendar months, and upon conviction of any such offender all such tables and instruments of unlawful games shall be destroyed or otherwise disposed of by order of the Justice before whom the conviction is had, and all the moneys and securities for moneys so found shall be forfeited to Government, and every person found on such premises; and who shall not be the owner or keeper or other person having the care or management thereof, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Fifty Rupees.

XXVIII. It shall not be necessary, in support of any information for gaming in, or for suffering any games or gaming in, or for keeping or managing, or being concerned in the management or conduct of, any common gaming-house or place, under this Act to prove that any person found playing at any game was playing for any money, wager, or stake.

XXIX. Where any cards, dice, balls, counters, tables, or other instruments of gaming used in playing any unlawful game, are found in any house, building, room, or place suspected to be used as a common gaming-house or place, and entered by an order issued under this Act, or about the person of any who are found therein, it shall be evidence, until the contrary is made to appear, that such house, building, room or place, is used as a common gaming-house or place, and that the persons found in the house, building, room, or place, where such tables or instruments of gaming shall have been found, were playing therein, although no play was actually going on in the presence of the Superintendent, Deputy Superintendent, Inspector, or Constable entering the same as aforesaid.

XXX. Every person who shall game for money, or any other thing or reward whatsoever, or who shall join in, bet at, or abet, or be present for the purpose of joining, betting at, or abetting any such gaming, in any street or public thoroughfare in the said Town, shall be liable, on conviction thereof before a Justice, to a penalty

not exceeding Fifty Rupees, or, in default of payment, to imprisonment for any term not exceeding one Calendar month.

XXXI. All persons who deal in any articles by retail by weight or measure, and who have in or about their shops or premises, or otherwise in their possession, any false or deficient weigh, measure, beam or scale, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Twenty Rupees, or at the discretion of the said Justice to imprisonment, with or without hard labor, for any period not exceeding one Calendar month; and every such false and defective weight, measure, beam or scale shall be forfeited, and the said Justice shall cause the same to be destroyed; and it shall be lawful for the Chief Magistrate or Superintendent of Police from time to time to issue public notices at the Police Office and Thannas, and such places as to him appear suitable, of the exact weight and measure of just weights and measures, and to keep at the Police Office and Thannas standard weights and measures for the information of the public.

XXXII. Any Justice of the Peace or the Superintendent of Police may issue his warrant, directing any Deputy Superintendent or Inspector of Police to enter into any shop or other place where articles are bought and sold by retail, and to search for and to examine the weights and measures therein, and seize all such as he may suspect to be forfeited as false and deficient in weight.

XXXIII. If any Seaman, whether British or Foreign, shall, wilfully and without leave or lawful excuse, absent himself from his vessel, any Justice of the Peace, upon complaint upon oath, and at the instance of any of the officers of the said vessel, may issue his warrant to apprehend and detain the said Seaman and convey him on board of his vessel; and whenever any Seaman shall have been imprisoned, it shall be lawful for any Justice of the Peace, on the release of such Seaman from imprisonment, to cause him to be conveyed on board of the vessel to which he may belong.

XXXIV. No person, not being a soldier or sailor in the service of the Queen or the East India Company or a Constable belonging to the Calcutta Police, shall be entitled to carry any sword, spear, gun, or other offensive weapon in any street, thoroughfare, or public place, unless by leave of the Chief Magistrate or other head of the Police; and any person offending against this enactment, shall be liable to be disarmed by any Constable or other person acting under such instructions as shall be from time to time given by the Chief Magistrate or other head of the Police; and the weapons so seized shall be taken before the Chief Magistrate or other head of the Police, and forfeited to the Government, if the Chief Magistrate or other head of the Police, in his discretion, shall think fit to declare them forfeited.

XXXV. The Chief Magistrate or other head of the Police, from time to time and as occasion may require, may make regulations for keeping clear the public

ghauts and landing-stairs, for the route to be observed in the public streets and places by all carts, carriages, palanquins, hackeries, and other vehicles, and by all horses, cattle and persons, and as to the times during which they may take the said routes, and for preventing obstruction of the streets and thoroughfares within the Town on all times of public processions and native holidays, as also during the time of Divine Service, and also may give directions to the Constables and other Peace Officers for keeping order and for preventing any obstruction of the thoroughfares in the immediate neighbourhood of any place of public resort, and in any case when the ghauts, landing-stairs, streets, or thoroughfares may be thronged, or may be liable to be obstructed; and every person opposing or not obeying the orders so issued by the Chief Magistrate or other head of the Police, shall be liable to be arrested and detained by the Police, and, on conviction before a Justice of the Peace, shall be liable to a panalty not exceeding One Hundred Rupees.

XXXVI. Any Police Officer or Constable, who shall ask for or take any bribe or unauthorized reward in consideration of his doing or omitting to do any act in his official capacity, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Five Hundred Rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labor, for any time not exceeding three months.

XXXVII. The Rule, Ordinance, and Regulation passed by the Governor General in Council on the 8th April 1802, and Section II. Act XVIII. of 1841, are hereby repealed. Any person who shall, within the limits of the said Town, manufacture Gun-powder or Gun-cotton, or who shall, without a license for that purpose being first had and obtained from the Chief Magistrate, have in his posseision, in any house, shop, ware-house, or other building, at any one time, a greater quantity of Gun-powder or Gun-cotton for sale or otherwise than ten pounds, shall, on conviction before a Justice of the Peace, be liable to a forfeiture of all such Gun-powder or Gun-cotton so manufactured or possessed, together with the vessel or receptacle in which it may be seized, and also to a fine not exceeding in amount the sum of Rupees Five Hundred.

XXXVIII. It shall be lawful for the Chief Magistrate to grant to any person (whom he shall deem fit and proper) a license for the sale or keeping in deposit, within the limits of the said Town, any quantity of imported or Indian manufactured Gun-powder not exceeding fifty pounds, or any quantity of Gun-cotton not exceeding twenty pounds, on such condition as shall be specified in the license; and any person who shall be guilty of a breach of any of such conditions, shall, on conviction before a Justice of the Peace, be liable to a forfeiture of his license and of all Gun-powder or Gun-cotton so kept in deposit contrary thereto, and also to a fine not exceeding Rupees Two Hundred.

XXXIX. Every such license as is mentioned in the preceding Section shall be in force for a period of one year only and no longer, but shall be renewable by the

said Chief Magistrate at his discretion on the same or any other terms and conditions, and such license shall also provide for the transit and carrying of Gun-powder from one place to another within the limits of the said Town, in such manner and in such quantity as shall be deemed advisable for the safety of the inhabitants and of property within the said Town, and every person offending against such provisions shall be liable to a fine not exceeding Rupees Fifty.

XL. Any Justice of the Peace, on credible information laid before him on oath or solemn affirmation, that Gun-powder or Gun-cotton, or mixed materials for making the same contrary to the provisions of this Act, are suspected to be stored, kept, or possessed by any person, may issue his warrant, authorizing any Police Officer to search in the day-time any house, shop, magazine, or other building or place in which he has reasonable ground to suspect any Gun-powder or Gun-cotton to be manufactured, sold or kept, or any boat, carriage, cart, or other vehicle in which any Gun-powder or Gun-cotton, or materials for manufacturing the same, may be suspected to be carried, or any person suspected of carrying the same contrary to such license or to the provisions of this Act, and all Gun-powder, Gun-cotton, or materials for manufacturing the same, found on such search, shall, together with the vessels or receptacles in which they may be stored, be immediately seized and brought before a Justice of the Peace, with whom the same shall be kept till it shall be adjudged whether the same shall be forfeited.

XLI. The four last preceding Sections shall not extend to any Government Magazine or store, or building for the making or deposit of Gun-powder or Gun-cotton under the authority or for the use of the Government, or to any Gun-powder or Gun-cotton for the use of Her Majesty's or the East India Company's Troops, or otherwise for the service of Government, or to any of Her Majesty's Vessels of War, or the Vessels of the Indian Navy, or of the East India Company's Marine, or to any other Vessel within the River Hooghly laden with Gun-powder for importation or exportation.

XLII. Commanders of merchant vessels entering the River Hooghly shall, on or before the arrival of their vessels off Moyapore, deposit in the Magazine at that place all Gun-powder intended for the Ship's use from on board their respective vessels, exceeding the quantity of fifty pounds, which quantity they shall be permitted to retain in their vessels for the purpose of firing salutes or signals in case of distress, and the Gun-powder so deposited shall be again delivered on board on the return of the respective vessels from Calcutta in prosecution of the outward voyage; and Commanders of merchant vessels in the River Hooghly, having on board their vessels Gun-powder or Gun-cotton for importation (not being Gun-powder belonging to the Government) exceeding the quantity of fifty pounds, shall also deposit the same, on or before the arrival of their vessels off Moyapore, in the Magazine of that place,

under charge of an Officer belonging to the Customs at that place, or such other person as the Governor of Bengal may appoint, and the proprietors or consignees of such Gun-powder or Gun-cotton, or their agents, whenever they shall desire to remove the same from the Magazine, shall make application to the Collector of Sea Customs for authority to do so, which application, when it is intended that such Gun-powder or Gun-cotton shall be lodged in any place, or be laden in any boat or other conveyance within the limits of the said Town, shall be accompanied by a written order of permission, signed by a Justice of the Peace, to that effect, and when it is intended that such Gun-powder or Gun-cotton shall be exported by sea, the Commanders of vessels, or the proprietors or their agents, by whom it shall have been deposited in the Magazine, shall make application to the Collector of Sea Customs for permission so to export it; and the Collector of Sea Customs shall comply with such applications aforesaid, except where the exportation of ammunition shall require, under provisions of Act XVIII. of 1841, a licence from a public Officer other than the Collector of Sea Customs, in which case the Collector of Sea Customs shall not comply with the application unless it be accompanied by the license of such public Officer; and on or before the removal of all Gun-powder or Gun-cotton from the Magazine, the Collector of Sea Customs shall and he is hereby authorized to levy a fee, the rate of which shall not exceed two annas per pound, for all Gun-powder or Gun-cotton that has been lodged therein, which fee shall be taken to cover all charges for the safe custody of the Gun-powder or Gun-cotton during the period it has remained or shall remain in the Magazine; Provided also, that the Governor of Bengal shall be at liberty to authorize such arrangement to be made, by letting or otherwise contracting for the custody of the Magazine, and for the collection and appropriation of the fees which may be charged for Gun-powder or Gun-cotton stored therein, as he may think proper, subject however to all the restrictions and rules imposed by this Section in respect to the removal from the Magazine of Gun-powder therein stored.

XLIII. For every act done or omitted to be done contrary to the provisions of the last preceding Section by the Commander of any merchant vessel in the port of Calcutta, the Commander aforesaid shall, on conviction thereof before any Justice of the Peace, be liable to a penalty of Two Hundred Rupees: and the Collector of Sea Customs is hereby empowered to search for any quantity of Gun-powder which he may have reason to believe to be on board a merchant vessel in the port of Calcutta contrary to the provisions of this Act, and to seize and detain it as forfeited to Government, to be dealt with as the Governor of Bengal shall think right to direct.

XLIV. The jurisdiction of the Justices of the Peace acting within and for the said Town shall extend to all offences committed by any person in sea-going vessels

in any part of the River Hooghly, and the said Justices shall have the same power and jurisdiction in respect of criminal offences committed in sea-going vessels in any part of the said river, that they now have and exercise within the said Town.

XLV. Every Officer belonging to the Calcutta Police is hereby authorized to arrest without warrant any person committing in his view any offence against this Act, and every person taken into custody without warrant by any Constable belonging to the Calcutta Police shall be forthwith taken to the Station-house to which the Constable belongs, in order that such person may be detained, until he can be brought before a Justice of the Peace to be dealt with according to law, or in order that such person may give bail for his appearance before a Justice of the Peace, if the Superintendent, Deputy Superintendent, or Inspector at the Station shall deem it prudent to take bail in the manner hereinafter mentioned, which he is hereby authorized to do.

XLVI. Whenever any person is brought to the Station-house as aforesaid charged with misdemeanor, assault, or with having carelessly done any hurt or damage, or whenever any Superintendent, Deputy Superintendent, or Inspector of Police, or Town Serjeant in charge of a Police Lock-up, shall deem it probable that any person so brought is falsely or maliciously charged with having committed a felony, and any such person as aforesaid shall be, without the warrant of a Magistrate, in the custody of any Constable of the Calcutta Police, it shall be lawful for the Superintendent or any Deputy Superintendent of Police, if he shall deem it prudent, to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

XLVII. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Justice of the Peace at his next sitting, and the time and place of appearance, and the sum thereby acknowledged (not exceeding One Thousand Rupees) shall be specified in the said recognizance, or the condition thereof; and the Officer taking the recognizance shall enter into a book, to be kept for the purpose, the name, residence, and occupation of the party and his surety or sureties (if any) entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Justice present at the time and place when and where the party is bound to appear, and the said recognizance may be in either of the forms, as the case may be, in Schedule (A.) to this Act annexed, or to the like effect.

XLVIII. In every case in which any person shall be given in charge to a Constable, or in which any information or complaint of any offence shall be laid or made before any Justice of the Peace, and it shall appear to the Justice by whom

the case shall be heard that there was no sufficient ground for making the charge, it shall be lawful for such Justice, at his discretion, to award such amends, not more than the sum of Fifty Rupees, to be paid by the informer to the party informed or complained against, for his loss of time and expenses in the matter, as to the Justice shall seem meet.

XLIX. Every Justice of the Peace shall be empowered summarily to hear and determine every complaint of an offence committed against this Act, and to convict any person charged with any such offence, on the oath of one or more witnesses or by his own confession, and to award the penalty or punishment herein provided for such offence.

L. Upon any information or complaint to be laid or made before any Justice of the Peace (which complaint need not be made upon oath) of any matter which such Justice is authorized to hear and determine, either under this or any other Act or Regulation, he may summon the party charged, and if such party shall not appear according to the tenor of the summons, the Justice, upon proof of the service of the summons, may proceed, in all cases which are not of a criminal nature, if no sufficient cause shall be shown for the non-appearance of the party, to hear and determine the case in the absence of the party, and in all criminal cases shall issue his warrant for apprehending and bringing such party before him or some other Justice, in order that the said information and complaint may be heard and determined.

LI. Every such summons may be served by delivering it or a copy thereof to the party, or to his wife, servant, or some inmate of his dwelling, or by delivering it at or affixing it to the door or wall of his usual place of abode.

LII. A Justice of the Peace may, without issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence cognizable before him, either under this or any other Act or Regulation, whenever good grounds for so doing shall be stated on oath before him.

LIII. Any Justice may summon any witness to appear and give evidence upon the matter of any offence cognizable before him, either under this or any other Act or Regulation, with which any person shall be charged before him, at a time and place appointed for hearing the information or complaint, and, by warrant under his hand and seal, may require any person to be brought before him who shall neglect or refuse to give evidence at the time and place appointed on such summons, proof upon oath being first given of personal service of the summons upon the person against whom such warrant shall be granted, and such Justice may commit any person coming or brought before him who shall refuse to give evidence, to the Common Gaol of Calcutta, for any time not exceeding fourteen days, or until such person shall sooner submit himself to be examined, and in case of such submission the order of such Justice shall be a sufficient warrant for the discharge of such person.

LIV. When any Justice of the Peace is desirous of examining any prisoner confined in the Great Gaol or House of Correction as a witness or defendant, with respect to any charge, case, or proceeding pending before him, it shall be lawful for such Justice to issue an order in the form contained in Schedule (B.) to this Act annexed, or to the like effect, addressed to the Keeper or Governor of the said Gaol or House of Correction, requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Police Office, for examination, and the Keeper or Governor of the said Gaol or House of Correction, on the receipt of such order, shall act in accordance therewith, and shall take care for the safe custody of the prisoner during his absence from prison for the purpose aforesaid.

LV. All penalties and forfeitures and other sums of money imposed, awarded, or ordered to be paid by any Justice of the Peace under the authority of this Act, and all sums of money which any person is bound to pay under any recognizance taken before a Justice of the Peace or an Officer of Police empowered to take recognizances by this Act, and afterwards forfeited, in case of non-payment thereof, may be levied by distress and sale of the goods and chattels of the offender or person liable to pay the same, by warrant under the hand of any Justice of the Peace, and in case any such penalty or forfeiture or sum of money shall not be forthwith paid, any Justice may order the party to be detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Justice for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and the Justice may take such security by way of recognizance or otherwise; and if upon the return of such warrant it shall appear that no such sufficient distress could be had whereon to levy the said penalty or forfeiture, or sum of money, and the same shall not be forthwith paid, or in case it shall appear, to the satisfaction of the Justice, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such penalty, forfeiture, or sum of money could be levied if warrant of distress should be issued, the Justice, by warrant under his hand, may commit such party to the Common Gaol of Calcutta, there to remain for any time not exceeding two Calendar months.

LVI. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

LVII. In the construction of this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the context or subject repugnant to such construction; that is to say,

Words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular.

Words importing the masculine gender only shall include females.

The word "Town" shall include the Town of Calcutta and Settlement of Fort William.

The word "Justice" or "Justices of the Peace" shall mean the Justices of the Peace for the time being acting within and for the said Town of Calcutta and Settlemen of Fort William.

The word "Oath" shall mean any oath or solemn affirmation in lieu of an oath.

SCHEDULE A.

FORM 1.

Town of Calcutta. } Be it remembered that on the day of in the year *A. B.*, of and *C. D.*, of and *E. F.*, of personally came before me *G. H.*, *Superintendent of Police*, and acknowledged themselves to owe to our Sovereign Lady the Queen; that is to say, the said *A. B.*, the sum of Rupees *Two Hundred*, and the said *C. D.*, and *E. F.* each the sum of Rupees *One Hundred*, separately, and of good and lawful money of British India, to be made and levied of their Goods and Chattels, Lands and Tenements respectively, to the use of our said Lady the Queen, Her heirs and successors, if the said *A. B.* shall make default in the condition hereinunder written.

Acknowledged before me, *G. H.*,
Superintendent of Police.

The condition of the above written recognizance is such that *if the said A. B. shall appear before J. P., Justice of the Peace, at* 10 *o'clock in the morning of the day of in the year at the Police Office in Calcutta*, then the said recognizance to be void, or else to stand in full force and virtue.

FORM 2.

Town of Calcutta. } Be it remembered that on the day of in the year *A. B.* of personally came before me *G. H.*, *Superinten-*

dent of Police, and acknowledged himself to owe to our Sovereign Lady the Queen, the sum of Rupees *Two Hundred*, of good and lawful money of British India, to be made and levied of his Goods and Chattels, Lands and Tenements, to the use of our said Lady the Queen, Her heirs and successors, if he, the said *A. B.*, shall fail in the condition hereunder written.

Acknowledged before me,
G. H.,
Superintendent of Police.

The condition of the above written recognizance is such that *if the said A. B. shall appear before J. P., Justice of the Peace, at* 10 *o'clock in the morning of the day of in the year at the Police Office in Calcutta*, then the said recognizance to be void, or else to stand in full force and virtue.

NOTE.—The words and figures in Italics in this Schedule to be filled up as the case may be.

SCHEDULE B.

FORM OF ORDER.

To *A. B., Keeper of the Great Gaol of Calcutta, or Governor of the House of Correction, as the case may be,*

Bring before me in safe custody on the day of in the year *C. D.*, a prisoner, now in the (*Great Gaol or House of Correction as the case may be*) in order that the said *C. D.* may be examined by me as a (*witness or defendant*) with respect to (*here state the charge, case or proceeding in respect of which the evidence of the prisoner is required.*)

E. F.,
Justice of the Peace.

ACT No. XVI. OF 1852.

Passed on the 12th March 1852.

AN ACT for further Improving the Administration of Criminal Justice in Her Majesty's Courts of Justice in the Territories of the East India Company.

Whereas offenders frequently escape conviction on their trials, by reason of the technical strictness of criminal proceedings in matters not material to the merits of the case; and whereas such technical strictness may safely be relaxed in many instances, so as to insure the punishment of the guilty, without depriving the accused of any

just means of defence; and whereas a failure of justice often takes place on the trial of persons charged with felony and misdemeanor by reason of variances between the statement in the indictment on which the trial is had, and the proof of names, dates, matters, and circumstances therein mentioned, not material to the merits of the case, and by the mis-statement whereof the person on trial cannot have been prejudiced in his defence; It is hereby enacted as follows:

I. From and after the coming of this Act into operation, whenever, on the trial of any indictment for any felony or misdemeanor, there shall appear to be any variance between the statement in such indictment and the evidence offered in proof thereof, it shall and may be lawful for the Court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such indictment to be amended according to the proof by some Officer of the Court or other person, both in that part of the indictment where such variance occurs, and in every other part of the indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another jury, as such Court shall think reasonable; and after any such amendment the trial shall proceed, whenever the same shall be proceeded with, in the same manner in all respects, and with the same consequences, both with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had occurred: Provided that, in all such cases where the trial shall be so postponed as aforesaid, it shall be lawful for such Court to respite the recognizances of the prosecutor and witnesses, and of the defendant, and his surety or sureties, if any, accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence respectively, and the defendant shall be bound to attend to be tried, at the time and place to which such trial shall be postponed, without entering into any fresh recognizances for that purpose, in such and the same manner as if they were originally bound by their recognizance to appear and prosecute, or give evidence at the time and place to which such trial shall have been so postponed: Provided also, that where any such trial shall be to be had before another Jury, the Crown and the defendant shall respectively be entitled to the same challenges as they were respectively entitled to before the first Jury was sworn.

II. Every verdict and judgment, which shall be given after the making of any amendment under the provisions of this Act, shall be of the same force and effect in all respects as if the indictment had originally been in the same form in which it was after such amendment was made.

III. If it shall become necessary at any time, for any purpose whatsoever, to draw up a formal record in any case where any amendment shall have been

made under the provisions of this Act, such record shall be drawn up in the form in which the indictment was after such amendment was made, without taking any notice of the fact of such amendment having been made.

IV. In any indictment for murder or manslaughter preferred after the coming of this Act into operation, it shall not be necessary to set forth the manner in which, or the means by which, the death of the deceased was caused, but it shall be sufficient in every indictment for murder to charge that the defendant did feloniously, wilfully, and of his malice aforethought kill and murder the deceased, and it shall be sufficient in every indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased.

V. In any indictment for forging, uttering, stealing, embezzling, destroying, or concealing, or for obtaining by false pretences, any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof or otherwise describing the same, or the value thereof.

VI. In any indictment for engraving or making the whole or any part of any instrument, matter, or thing whatsoever, or for using or having the unlawful possession of any plate or other material upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been engraved or made, or for having the unlawful possession of any paper upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been made or printed, it shall be sufficient to describe such instrument, matter, or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole or any part of such instrument, matter, or thing.

VII. In all other cases, wherever it shall be necessary to make any averment in any indictment as to any instrument, whether the same consists wholly or in part of writing, print, or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile of the whole or any part thereof.

VIII. From and after the coming of this Act into operation, it shall be sufficient in any indictment for forging, uttering, offering, disposing of, or putting off any instrument whatsoever, or for obtaining or attempting to obtain any property by false pretences, to allege that the defendant did the act with intent to defraud, without alleging the intent of the defendant to be to defraud any particular person; and on the trial of any of the offences in this section mentioned, it shall not be necessary to prove an intent on the part of the defendant to defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with an intent to defraud.

IX. And whereas offenders often escape conviction by reason that such persons ought to have been charged with attempting to commit offences, and not with the actual commission thereof; it is enacted, that, if on the trial of any person charged with any felony or misdemeanor it shall appear to the jury upon the evidence that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanor charged in the said indictment; and no person so tried as herein lastly mentioned shall be liable to be afterwards prosecuted for an attempt to commit the felony or misdemeanor for which he was so tried.

X. And whereas it is enacted by the 8th Section of Act XXXI. of 1838 that "on the trial of any person for any of the offences thereinbefore mentioned, or for any felony whatever where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony, and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding": and whereas great difficulties have arisen in the construction of such enactment: for remedy thereof it is enacted that the said enactment shall be and the same is hereby repealed.

XI. If upon the trial of any person upon any indictment for robbery, it shall appear to the jury upon the evidence that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is guilty of an assault with intent to rob, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob; and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

XII. If upon the trial of any person for any misdemeanor, it shall appear that the facts given in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for felony on the same facts, unless the Court before which such trial may be had shall think fit, in its discretion, to discharge the jury from giving any verdict upon such trial, and to direct such person to be indicted for felony, in which case such

person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor.

XIII. If upon the trial any person indicted for embezzlement as a clerk, servant, or person employed for the purpose, or in the capacity of a clerk or servant, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement, but is guilty of simple larceny, or of larceny as a clerk, servant, or person employed for the purpose, or in the capacity of a clerk or servant, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny; and if upon the trial of any person indicted for larceny it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of larceny, but is guilty of embezzlement, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement; and no person so tried for embezzlement or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

XIV. If upon the trial of two or more persons indicted for jointly receiving any property, it shall be proved that one or more of such persons separately received any part of such property, it shall be lawful for the jury to convict upon such indictment such of the said persons as shall be proved to have received any part of such property.

XV. And whereas it frequently happens that the principal in a felony is not in custody or amenable to justice, although several accessories to such felony, or receivers at different times of stolen property the subject of such felony, may be in custody or amenable to justice; for the prevention of several trials, it is enacted, that any number of such accessories or receivers may be charged with substantive felonies in the same indictment, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

XVI. It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing, not exceeding three which may have been committed by him against the same person within the space of six calendar months from the first to the last of such acts, and to proceed thereon for all or any of them.

XVII. If upon the trial of any indictment for larceny, it shall appear that the property alleged in such indictment to have been stolen at one time was taken

at different times, the prosecutor shall not by reason thereof be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six calendar months elapsed between the first and the last of such takings; and in either of such lost-mentioned cases the prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six calendar months from the first to the last of such takings.

XVIII. In every indictment in which it shall be necessary to make any averment as to any money or any note of any bank, it shall be sufficient to describe such money or bank-note simply as money without specifying any particular coin or bank-note; and such allegation, so far as regards the description of the property, shall be sustained by proof of any amount of coin or of any bank-note, although the particular species of coin of which such amount was composed, or the particular nature of the bank-note, shall not be proved, and in cases of embezzlement and obtaining money or bank-notes by false pretences, by proof that the offender embezzled or obtained any piece of coin, or any bank-note, or any portion of the value thereof, although such piece of coin or bank-note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to any other person, and such part shall have been returned accordingly.

XIX. In every indictment for perjury, or for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation. declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what Court or before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing was taken, made, signed, or subscribed, without setting forth the bill, answer, information, indictment, declaration, or any part of any proceeding either in law or in equity, and without setting forth the commission or authority of the Court or person before whom such offence was committed.

XX. In every indictment for subornation of perjury, or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury or for inciting, causing, or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly to take, make, sign or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient, whenever such perjury or other offence aforesaid shall have been actually committed, to allege the offence of the person who actually committed such perjury or other offence in the manner hereinbefore mentioned, and then to allege

that the defendants unlawfully, wilfully, and corruptly did cause and procure the said person the said offence, in manner and form aforesaid, to do and commit; and wherever such perjury or other offence aforesaid shall not have been actually committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

XXI. No indictment for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the statute," instead of "against the form of the statutes," or *vice versâ* nor for that any person mentioned in the indictment is designated by a name of office, or other descriptive appellation, instead of his proper name, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, nor for want of a proper or formal conclusion, nor for want of or imperfection in the addition of any defendant, nor for want of the statement of the value or price of any matter or thing, or the amount of damage, injury, or spoil, in any case where the value of price, or the amount of damage, injury, or spoil, is not of the essence of the offence.

XXII. Every objection to any indictment for any formal defect apparent on the face thereof shall be taken by demurrer or motion to quash such indictment, before the jury shall be sworn, and not afterwards; and every Court before which any such objection shall be taken for any formal defect may, if it be thought necessary, cause the indictment to be be forthwith amended in such particular by some Officer of the Court, or other person, and thereupon the trial shall proceed as if no such defect had appeared.

XXIII. No person prosecuted shall be entitled to traverse or postpone the trial of any indictment found against him at any Session of the Peace, Session of Oyer and Terminer, or Session of Gaol Delivery; Provided always, that if the Court, upon the application of the person so indicted or otherwise, shall be of opinion that he ought to be allowed a further time, either to prepare for his defence, or otherwise such Court may adjourn the trial of such person to the next subsequent Session, upon such terms as to bail or otherwise as to such Court shall seem meet, and may respite the recognizances of the prosecutor and witnesses accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent Session without entering into any fresh recognizance for that purpose.

XXIV. In any plea of *autrefois convict* or *autrefois acquit* it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the said offence charged in the indictment.

XXV. Whenever any person shall be convicted of any one of the offences following, as an indictable misdemeanor; that is to say,—any cheat or fraud punishable at Common Law: any conspiracy to cheat or defraud, or to extort money or goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert, or defeat the course of public justice; any escape or rescue from lawful custody, on a criminal charge; any public and indecent exposure of the person; any indecent assault, or any assault occasioning actual bodily harm; any attempt to have carnal knowledge of a girl under twelve years of age; any public selling, or exposing for public sale or to public view, of any obscene book, print, picture, or other indecent exhibition, it shall be lawful for the Court to sentence the offender to be imprisoned for any term now warranted by law, and also to be kept to hard labor during the whole or any part of such term of imprisonment.

XXVI. In the construction of this Act the word "indictment" shall be understood to include "information," "inquisition," and "presentment," as well as "indictment," and also any "plea," "replication," or other pleading; and the terms "finding of the indictment," shall be understood to include "the taking of an inquisition," "the exhibiting of an information," and "the making a presentment"; and wherever in this Act, in describing or referring to any person or party, matter, or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and shall be applied to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing; and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.

XXVII. This Act shall come into operation from and after the tenth day of April, One Thousand Eight Hundred and Fifty-two.

ACT No. XVII. OF 1852.

Passed on the 12th March 1852

AN ACT to diminish the expense and delay of proceedings in Her Majesty's Courts within the Territories of the East India Company.

I. It shall be lawful for persons interested or claiming to be interested in any question cognizable in Her Majesty's Courts within the territories of the East India Company, on the Equity, Plea, Ecclesiastical or Admiralty sides thereof res-

pectively, and including among such persons all lunatics, married women, and infants in the manner and under the restrictions hereinafter contained, to concur in stating such question in the form of a special case for the opinion of the said Courts, and it shall also be lawful for all Executors, Administrators, Representatives, and Trustees to concur in such case.

II. The Committee of the estate of any lunatic interested or claiming to be interested in any such question as aforesaid may, after having been authorized in that behalf by the Court or any Judge thereof in which such special case is filed, concur in such case in his own name, and in the name and on the behalf of the lunatic.

III. A husband interested or claiming to be interested in right of his wife in any such question as aforesaid may concur in such case in his own name and in the name of his wife where the wife has no claim to any interest distinct from her husband, and a married woman having or claiming any interest in any such question aforesaid distinct from her husband may in her own right concur in such case, provided that her husband also concurs therein; but nothing herein contained shall be construed so as to require the husband of a Mahomedan or Hindoo female to concur in such case.

IV. The guardian of any infant interested or claiming to be interested in any such question as aforesaid may concur in such case in the name and on behalf of the infant, unless such guardian has an interest in such question adverse to the interest of the infant therein.

V. It shall be lawful for the said Courts, by order to be made in the matter of any lunatic not found such by inquisition, or in the matter of any infant, upon the application of any person on the behalf of such lunatic or upon the application of such infant by motion or petition, to appoint any person shown by affidavit to be a fit person, and to have no interest adverse to the interest of the lunatic or infant, to be the special guardian of such lunatic or infant for the purpose of concurring in such case in the name and on behalf of the lunatic or infant, and any such person so appointed may lawfully so concur. Provided always, that it shall be lawful for the said Courts to require notice of such application to be given to such person, if any, as the Court shall think fit.

VI. In any case in which any such order as aforesaid shall have been made by the said Courts in the matter of any infant without notice to the guardian of the infant, it shall be lawful for the said Courts, if they shall respectively think fit so to do, to discharge such order upon the application of such guardian, by motion or petition; and the said Courts, if they shall respectively think fit, may thereupon appoint some other fit person to be the special guardian of such infant for the pur-

pose of such special case, and may also give such directions as may be necessary for substituting in such special case either the name of the guardian so applying, or of the special guardian so appointed, in lieu of the name of the special guardian so displaced. Provided always, that the discharge of any Order appointing a special guardian shall not invalidate any thing which shall in the meantime have been done by such special guardian, unless the Court shall, upon notice to all parties, specially so direct.

VII. Every such special case shall be entitled as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; and in the title to such cases, lunatics and infants shall be described as such, and their Committees, guardians, or special guardians named; and where in any such case a married woman is named as a plaintiff, and her husband as a defendant thereto, a next friend of such married woman shall be named in the title to such case; but nothing herein contained shall be construed so as to require a next friend of any Hindoo or Mahomedan married woman to be named in such title.

VIII. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby; and upon the hearing of such case, the Court and the parties shall be at liberty to refer to the whole contents of such documents; and the Court shall be at liberty to draw from the facts and documents stated in any such special case any inference which the Court might have drawn therefrom if proved in a cause.

IX. Every such special case to which an infant or lunatic is a party by his guardian, or special guardian, shall also state how such guardian or special guardian was constituted; and where any married woman having or claiming any interest distinct from her husband is a party to such case, it shall be stated therein that she concurs in such case in her own right.

X. Every such special case shall be signed by Counsel for all parties, and shall be filed in the same manner as bills, plaints, or allegations are filed, and the defendants may appear thereto in the same manner as defendants appear to bills, plaints, or allegations, and no defendants shall be required to take an office copy of a special case, but an office copy thereof shall be taken by the plaintiff.

XI. After a special case shall have been filed, and the defendants shall have appeared thereto, all the parties to such special case shall be subject to the jurisdiction of the Court in the same manner as if the plaintiff in the special case had filed a bill, plaint, or allegation against the parties named as defendants thereto, and such defendants had appeared to such bill, plaint, or allegation, and upon the special case being filed and appearances entered thereto as aforesaid, all parties to such special

case shall, for the purposes of such special case, be bound by the statements therein

XII. So soon as all the defendants shall have appeared to the special case, the same may be set down for hearing, and subpœnas to hear judgment or notices of hearing issued and served according to the practice of the said Courts.

XIII. It shall be lawful for the said Court, upon the hearing of any such special case as aforesaid, to determine the questions raised therein or any of them, and, by decree or judgment, to declare its opinion thereon, and so far as the case shall admit of the same upon the right involved therein, without proceeding to administer any relief consequent upon such declaration, and every such declaration of the said Court contained in any such decree or judgment shall have the same force and effect as such declaration would have had, and shall be binding to the same extent as such declaration would have been, if contained in a decree or judgment made in a suit between the same parties instituted by bill, plaint, or allegation; Provided always, that if, upon the hearing of such special case as aforesaid, the Court shall be of opinion that the statements contained therein so far as the same affect the interest of any married woman, infant, or lunatic are not true, or that the questions raised thereby or any of them cannot properly be decided upon such case, the same may be at such hearing, with the consent of all parties thereto, and of the Court, amended, so as properly to raise such questions, or the said Court may refuse to decide the same.

XIV. Every executor, administrator, representative, trustee or other person making any payment, or doing any act in conformity with the declaration contained in any decree or judgment made or pronounced upon a special case, shall in all respects be as fully and effectually protected and indemnified by such declaration, as if such payment had been made or act done under or in pursuance of the express order of the said Court made in a suit, action, or proceeding between the same parties instituted by bill, plaint, or allegation, save only as to any rights or claims of any person in respect of matters not determined by such declaration.

XV. Where any person shall be desirous to have a special case reheard, or to appeal from the decision thereon, it shall be lawful for the said Courts respectively upon application for that purpose, either at the time of the decree or judgment upon such special case being made, or at any time afterwards and upon such conditions, if any, as the Court shall think fit, to order that the declaration contained in such decree shall not be acted upon for such time as the said Courts respectively shall think just.

XVI. The filing of a special case, and the entering of appearances thereto by the persons named as defendants therein, shall be taken to be a *lis pendens*.

XVII. Any documents referred to in a special case, and any copies thereof or extracts therefrom, identified by the signature of the solicitors for all parties, may be produced and read at the hearing of such case, without further proof; and it shall be lawful for the said Courts respectively, at any time after the filing of the special case and the entering of appearances thereto by the persons named as defendants therein, to order any document, which may be admitted thereby to be in the possession of any party to such case, to be deposited and produced in such manner and for such purposes as the said Courts respectively shall think fit.

XVIII. It shall be lawful for the said Courts upon the application of the executors, administrators or representatives in estate of any deceased person, by order to be made upon motion or petition of course, and to be in the form or to the effect set forth in the Schedule hereto, with such variations as circumstances may require, to refer it to the Master of the said Courts respectively to take an account of the debts and liabilities affecting the estate of such deceased person, and to report thereon; Provided always, that no such order shall be made until the expiration of one year next after the death of such deceased person, or pending any proceedings to administer the estate of such person, and in case, at any time after the making of such order, any decree or order for administering the estate of such deceased person shall be made, it shall be lawful for the said Courts respectively, by such decree or order, to stay or suspend the proceedings under such order of course on such terms and conditions, if any, as to the said Courts respectively shall seem just.

XIX. It shall be lawful for any person who may have come in before the Master under any such order, and claimed to be a creditor upon the estate of the deceased person, or to have any demand upon such estate by reason of any liability, and whose debt or claim may not have been wholly allowed by the said Master, to apply to the Court making such order by motion, of which notice shall be given within fourteen days after the filing of the Master's report, to have such claim allowed by such Court, either wholly or partially; and it shall be lawful for the said executors, administrators or representatives in estate, and for any creditor of the deceased person who may be authorised by special leave of the said Court so to do, to apply to the said Court by motion, of which notice shall be given within the time aforesaid, to have any debt or claim allowed by the said Master disallowed by the said Court, either wholly or partially, and, at the expiration of fourteen days after the filing of the said report, the same shall, except as to any debt or claim as to which any such notice as aforesaid may have been given, be absolute, as if the same had been confirmed by order of the said Court.

XX. Upon the hearing of any such motion as aforesaid, the said Courts respectively may either dismiss such motion, or may order the debt or claim to which such motion relates to be allowed or disallowed, as the case may be; and either

wholly or partially, or may direct further inquiry or further proceedings, by way of action or otherwise, touching such debt or claim, and after such inquiry or proceedings may, upon further motion, deal with such debt or claim as to the said Court respectively shall seem just: Provided always, that no new evidence shall be received by the said Courts upon the hearing of any such motion without special leave of the aid Courts.

XXI. In case any debt or any certain liability shall have been allowed as aforesaid, and shall not within fourteen days after the report has become absolute as to such debt or liability, or after the same shall have been allowed by the said Court, be paid or provided for by appropriation to the satisfaction of the person who has established such liability, it shall be lawful for the said Courts respectively by order to be made in case of any debt remaining due, upon the application by motion or petition of the person to whom the debt remains due, and on notice to the executors, administrators, or representatives in estate, and in case of any certain liability remaining unprovided for by appropriation upon the application by motion or petition of the person by whom such liability has been established, or of the executors, administrators, or representatives in estate, and on notice, by the party applying to the other of them, to order payment of the debts which may have been allowed and remain unpaid, and to provide for the certain liabilities which may have been allowed and remain unprovided for, in like manner as the same could or might have been paid or provided for in a suit for that purpose instituted by bill, or to refer it to the Master to take an account of the debts and certain liabilities allowed as aforesaid which remain unpaid or unprovided for, and also the usual accounts of the estate of the deceased person, with all usual and proper directions; and every such order shall have the same force and effect and shall be prosecuted and carried on in like manner as a decree in a creditor's suit instituted by bill.

XXII. Nothing in Sections XVIII. and XXI. of this Act contained shall be construed so as to prevent any of Her Majesty's Courts from taking such accounts as aforesaid in any manner in which, according to the usual practice of such Courts, the same might have been taken if directed by decretal order made in a suit.

XXIII. In case any contingent liability shall be allowed by the said report or by the said Courts respectively, it shall be lawful for the said Courts, by order, to be made upon the application of the executors, administrators, or representatives in estate, by motion or petition, on notice to the person who may have established such contingent liability, to order such sum of money, part or proceeds of part, of the estate of the deceased person, as to the said Courts respectively shall seem just, to be set apart and appropriated for answering such contingent liability, and to give such directions as the said Courts shall think fit touching the payment of such sum of money into Court and the investment thereof, and the payment, application, or

accumulation of the interest or dividends thereof in the mean time and until the same shall be required to answer such liability, and when such liability shall be ascertained or determined, to give such directions as to the payment of such sum out of Court as the said Courts respectively shall deem right: Provided always, that no order to be made as aforesaid shall in any manner bind the assets so appropriated as against the persons entitled to the estate of the deceased subject to the contingent liability; and any person interested in such appropriated assets may apply to the Court touching the same, as he may be advised.

XXIV. After the filing of such report as aforesaid, it shall be lawful for the said Courts respectively upon the application of the executors, administrators, or representatives in estate of the deceased, by order to be made on motion, to restrain by injunction any proceedings at law against them by any person having or claiming to have any demand upon the estate of the deceased by reason of any debt or liability other than the persons who may have established contingent liabilities under the said order, for which no appropriation may have been made.

XXV. In case no debt or liability, or no debt or liability other than a contingent liability, shall have been allowed as aforesaid, or in case any debt or liability other than as aforesaid shall have been allowed as aforesaid, then after the same shall have been paid or provided for by appropriation as aforesaid, all payments made by the executors, administrators, or representatives in estate, or any of them, on account of the estate of the deceased person, and all dispositions of such assets made by them or any of them on account of such estate, shall, as against all persons having or claiming to have any demand upon such estate by reason of any debt or liability, other than persons who may have established under the said order any contingent liability for which no such appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a decree of the said Courts respectively; Provided always, that nothing herein contained shall in any manner affect or prejudice the rights of any creditor or other person having any demand or claim upon the estate of the deceased against any assets so paid or disposed of, or against the persons to whom such payment or disposition may have been made, or against any assets appropriated under the provisions of this Act, and the appropriation of which, if made under a decree of the said Court, in a suit to which he was not a party, would not have been binding upon him.

XXVI. All exceptions for scandal, impertinence, and insufficiency, which according to the existing practice of the said Courts are referred to the Masters of the said Courts, shall not any longer be so referred, but shall be heard and determined in the first instance by the said Courts, or any Judge thereof.

XXVII. Notwithstanding any rule or practice of the said Courts to the contrary, it shall be lawful for the said Courts respectively, at the hearing of any cause or of any further directions therein, to receive proof by affidavit or otherwise of all proper parties being before the Court, and of all such matters as are necessary to be proved for enabling the said Courts respectively to order payment of any monies belonging to any married woman, and of all such other matters, not directly in issue in the cause, as in the opinion of the said Courts respectively may safely and properly be so proved.

XXVIII. It shall be lawful for the said Courts respectively, from time to time to make, rescind, and alter General Rules and Orders for better enabling the opinion of the said Courts respectively to be obtained on special cases, and for effectuating the purposes of this Act as to the debts and liabilities of deceased persons, and for making any provisions which may be or be deemed necessary or proper as to amendment, revivor and supplemental matter or relief, and as to costs of any proceedings under or in pursuance of this Act, and for regulating the times and form and mode of procedure and practice of the said Courts in respect of the matters to which this Act relates, and every of them, and so far as may be found expedient for altering the course of proceeding hereinbefore prescribed in respect to such matters or any of them, and generally for assimilating the practice of the said Courts respectively to that of the High Court of Chancery in England.

XXIX. All such General Rules and Order shall be laid before the Governor General of India in Council within one month after the making and issuing of the same, and every such Rule or Order shall, from and after the time in that behalf to be appointed by the said Courts respectively, and if no time shall be so appointed, then from and after the making thereof, be binding and obligatory on the said Courts respectively, and be of like force and effect as if the provisions therein contained had been expressly enacted by the Governor General of India in Council. Provided always, that if the said Governor General of India in Council shall, by any resolution passed at any time within six months after such Rules, Orders and Regulations shall have been laid before him, resolve that the whole or any part of such Rules or Orders ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall, from and after the time that such resolution is notified to the said Court, cease to be binding and obligatory on the said Court; provided that every such Rule or Order so made or expressed to be, made in pursuance of this Act which shall not be laid before the Governor General of India in Council within the time by this Act limited for that purpose shall, from and after the expiration of such time, be absolutely void and of no effect. Provided always, that nothing in this clause contained shall be construed so that the said Rules or Orders should not be transmitted as heretofore to Her Majesty in Privy Council for approbation.

XXX. In the mean time and until any such General Rules or Orders shall be made, and in so far as the same, when made, shall not be applicable, the proceedings under this Act shall be governed and regulated by the provisions herein contained, so far as the same extend, and in so far as the same do not extend shall, as well with respect to the persons who ought to be made parties to special cases as in every other respect, be governed and regulated by the Rules, Orders and Practice of the said Courts respectively, in suits instituted by bill, so far as the same can be applied thereto; and subject to such General Rules and Orders as aforesaid, the costs of all proceedings under this Act, shall be in the discretion of the said Courts respectively.

XXXI. All decrees and orders made under the provisions of this Act shall be subject to re-hearing, appeal, and review, and may be discharged and varied in the same and the like manner as decrees and orders of the said Courts made in suits instituted by bill.

XXXII. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or in the context repugnant to such construction:

Words inporting the singular number only shall include the plural number, and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The expression "Her Majesty's Courts", or "Courts" shall mean and include Her Majesty's Supreme Courts of Judicature at Bengal, Madras and Bombay, and also the Court of Judicature of Prince of Wales' Island, Singapore and Malacca:

The word "Lunatic" shall include idiots and persons of unsound mind, and whether found such by inquisition or not:

The word "Guardian" shall mean father or testamentary guardian, or guardian appointed by any of Her Majesty's Courts, (not being a special guardian appointed under the Provisions of this Act.)

XXXIII. This Act shall commence and take effect from and after the tenth day of April, One thousand eight hundred and fifty-two.

SCHEDULE REFERRED TO BY THE FOREGOING ACT.

(Date.)

In the matter of A. B. late of in Banker (or as the case may be), deceased.

Upon motion this day made into this Court by Mr. of Counsel for C. D. of the executor (*or* administrator) of the abovenamed A. B. (*or* upon the humble petition of C. D. of the executor (*or* administra-

tor) of the said A. B. this day preferred unto the Supreme Court of Judicature at (for the reasons therein contained,) it is ordered; that it be referred to the Master of this Court to take an account of the debts and liabilities affecting the *(personal or the real estate of the said A. B. or his moveable and immoveable estate as the case may be)*, and to compute interest on such of the said debts and liabilities as carry interest, after the rate of interest the same respectively carry; and the said Master is to cause an advertisement to be published in the *Gazette* and such other public papers as he shall think fit for the persons claiming in respect of any such debts or liabilities, to come in before the said Master and prove their debts and claims, and he is to fix a peremptory day for that purpose; and such of the creditors as shall not come in and prove their debts and claims by the time so to be limited, are to be excluded the benefit of this order; and it is ordered, that the Master do distinguish debts from liabilities, and liabilities certain from liabilities contingent; and it is ordered, that the said estate of the said A. B. be applied in payment and satisfaction of such debts and liabilities of the said A. B. in a due course of administration; and for the better taking the said accounts and discovery of the matter aforesaid the parties are to produce before the Master, upon oath, all deeds, books, papers, and writings in their custody or power relating thereto, and are to be examined upon interrogatories or *vivâ voce* as the said Master shall direct; and any of the parties are to be at liberty to apply to the Court as there shall be occasion.

Act No. XIX. of 1852.

Passed on the 19th March 1852.

XII. It shall not be lawful for the Justices to grant a license to open or establish, or keep open any Lodging House, Boarding House, Eating House, Punch House, Coffee Room, Tavern, Hotel, or any other House of Public Entertainment within their jurisdiction, in which any spirituous or fermented liquor may be sold, to any person who has not taken out a license for the retail sale of such liquor, and any such license granted by the Justices shall become void whenever the license for the retail of such liquor granted to such person, shall be withheld or recalled by the Collector under this Act. Provided always that, on the representation of the Superintendent of Police to the Collector, that any such house of public entertainment as aforesaid is kept as a disorderly house, or that the keeper thereof is, for any reason, or in consequence of misconduct, (such reason or misconduct to be specially assigned by the Superintendent,) unfit to receive or retain any such license, then and in such case the said Collector shall forthwith revoke any license already granted by him to such keeper of any such house of public entertainment.

Act No. XX of 1852.

Passed on the 27th March, 1852.

An Act to facilitate the Acquisition of Land needed for public purposes in the Presidency of Fort St. George.

I. Whenever it shall appear to the Governor of Fort St. George in Council that any land is needed for a public purpose, he shall make a declaration to that effect in a Minute of Council, and such declaration shall be conclusive evidence that the purpose for which the land is needed is a public purpose.

II. When a declaration has been made by the Governor in Council that any land is needed for a public purpose, if there shall be any hinderance to the immediate acquisition of such land by purchase from the parties interested therein, it shall be competent to the Governor in Council to order the land to be taken possession of on the part of Government and applied to the purpose for which it is needed, leaving claims for compensation for the land to be determined as hereinafter provided.

III. When such order is passed by the Governor in Council it shall be sent to the Collector of the District in which the land lies, or to such other Officer as the Governor in Council shall think fit to appoint to carry it into execution; and the Collector or other Officer so appointed, shall cause the land ordered to be taken to be marked out and measured, and possession to be taken thereof on behalf of Government, and the land shall thenceforward be vested absolutely in the Government, free and clear of all other estates, rights, titles, remainders, reversions, limitations, trusts and interests, and also of all mortgages, liens, or incumbrances whatsoever, of and in the land so taken as aforesaid; and any suit which may be instituted to recover the land so taken by Government, in any Court of Judicature, shall be dismissed with costs. Provided always, that nothing herein contained shall affect the liability of the party who may receive the value of any land so taken by Government, without having a good title to the same.

IV. As soon as the land has been marked out, the Collector, or other Officer appointed as aforesaid, shall cause the order in Council to be affixed in some conspicuous place upon the land, and published by proclamation in the neighbouring bazars and villages, with a citation, calling on all parties interested in the land to appear before him in person, or by authorized agents, on a certain day, not less than fifteen days after the date of citation, and to state the nature of their interests in the land required, and the amount and particulars of their claims to compensation for the same.

V. It shall be competent to the said Collector, or other Officer appointed as aforesaid, to admit any such claims that appear to him to be valid, and if he and all the parties interested in the land agree as to the compensation to be allowed to them respectively, to pass an award for the same.

VI. If the said Collector or Officer shall judge any of the claims preferred to be inadmissible, and the parties interested in the land or any of them shall nevertheless persist in such claims, or if the said Collector or Officer, admitting the interests claimed, shall object to the compensation demanded for the same as excessive, the points in dispute shall be referred to the determination of arbitrators, to be appointed in the manner hereinafter provided.

VII. Two persons shall be chosen to act as arbitrators on the part of Government, by the Collector or other Officer duly appointed as aforesaid, and the party or parties claiming to be interested in the land taken shall be called upon by the said Collector or Officer to elect, within fifteen days, two persons to act as arbitrators on his or their part. If there be several parties interested as aforesaid, and they cannot agree within the required period in the election of persons to act as arbitrators on their behalf, then and in that case each of them shall nominate one person whom he may desire to act on his behalf, and the said Collector or Officer shall choose by lot, out of the persons so nominated by the parties aforesaid, or by any of them, two persons to act as arbitrators on behalf of the parties interested in the land. If only two persons shall be so nominated by the parties interested in the land, they shall be the arbitrators on behalf of such parties, whether the whole of the parties interested as aforesaid may or may not have been concerned in their nomination. If only one person shall be so nominated, then only one of the persons selected to act as arbitrators on the part of Government, shall be employed on the duty. If the parties interested in the land shall refuse or neglect, or if, by reason of minority, lunacy or absence from the Presidency, they shall be unable to make any nomination within the required period, then the said Collector or Officer shall and may select two impartial persons to arbitrate the matter between Government and the parties interested in the land.

VIII. Before the arbitrators proceed to arbitrate, they shall be required by the said Collector or Officer, to appoint an umpire for the decision of any points whereon they may differ in opinion, when the voices on each side shall be equal. If the arbitrators cannot agree in the selection of an umpire, the said Collector or Officer shall be authorized to choose some person to act as such.*

IX. In cases wherein the arbitrators may differ in opinion, if the voices on each sside hall be equal, the decision of the umpire on the point of difference shall be conclusive: in all other cases, the opinion of the majority of arbitrators shall determine the award.

X. The arbitrators shall hold their inquiry under the general superintendence of the Collector or other Officer appointed as aforesaid, who shall be competent to exercise towards them such powers and authority, for the purpose of securing their attendance and the due completion of their award, as the Courts of Judicature may legally exercise towards persons summoned as witnesses before them, for the purpose of compelling such witnesses to attend and give evidence. It shall further be competent to the Officer presiding, in the event of any unnecessary delay on the part of arbitrators, in determining any question referred to them, to call upon them to make their award within a specified time, and in default thereof, to refer such question to the umpire for his decision.

XI. The said Collector or other Officer appointed as aforesaid shall, on the application of the arbitrators, summon any witnesses whom the arbitrators may call for, and whom the parties may not be able to produce before them without such process. He shall also cause the proper forms of affirmation to be executed by any witnesses whom the arbitrators may desire to examine upon affirmation, or he may empower the arbitrators to administer or cause the execution of such affirmation, if the witnesses cannot with convenience attend before him. Any witness who shall refuse or omit to appear when duly summoned by such Collector or Officer, or who shall appear but shall refuse to execute the affirmation to be administered as aforesaid, or who shall refuse to give evidence, shall be liable to the same punishment which would be incurred under the law by a witness refusing to appear or give evidence before a court of justice. Any person giving intentionally and deliberately a false deposition, under a solemn affirmation in any case referred to arbitration as above, and upon a point material to the issue thereof, shall be held to be guilty of perjury and shall be liable to the penalties prescribed for that offence by law; and any person causing or procuring another person to commit the offence of perjury, as above described, shall be guilty of subornation of perjury and punishable according to law.

XII. It shall also be competent to the Collector, or other Officer appointed as aforesaid, to demand from the parties interested in the land so taken as aforesaid, the production of any accounts, title-deeds, or other documents which may be required by the arbitrators for the purposes of their inquiry, and in the event of such accounts, title-deeds or documents being withheld, and the fact of their existence being proved by information given upon solemn affirmation, to order the seizure of such accounts, title-deeds, and documents wherever they may have been deposited, in the manner prescribed by Section IX. Regulation IX. of 1822 of the Madras Code, and to exercise for that purpose the powers thereby vested in Collectors.

XIII. The arbitrators shall take into consideration the statements of the parties interested in the said land, and the objections of the Collector or other Officer aforesaid on behalf of Government, and after examining the evidence offered on both

sides, and making any further inquiry that may appear to them necessary, shall pass their award, allowing or disallowing the interests claimed, and determining the total amount of compensation to be given for the interests allowed, the mode in which it is to be given, and if to be given to more than one party, the shares of total compensation which each party shall be entitled to receive.

XIV. The award of the arbitrators, or of the umpire, if he shall be called upon to make an award, shall be binding and conclusive both upon the Government and the parties interested in the land, as respects the gross amount of the compensation to be paid by Government, unless the award shall be set aside by the Civil Court of the zillah upon a charge of corruption against the arbitrators or the umpire, as the case may be, brought by either party, and proved after due investigation, to the satisfaction of such Court; in which case the matter shall be referred for the determination of a second set of arbitrators, to be chosen in the same manner as the first, and their decision, whatever it may be, shall be final. No petition to set aside an award made under this Act shall be received by the Civil Court of the zillah, unless it be presented within thirty days from the date of the award complained of; and the said petition shall be presented on stampt paper of the value used for miscellaneous petitions, and shall be accompanied with a copy of the award objected to. The award of the arbitrators or umpire shall also be binding as respects the shares to be paid to the several parties interested in the land, unless upon a suit instituted within thirty days from the date of the award, in a competent Court, by any of the parties concerned, to alter the apportionment made by such award, an injunction shall be issued to suspend the payment until a decree is passed in the case.

XV. If any question arises as to the previous possession of or title to any land taken by Government under this Act, or if the parties or any of them interested in the land are minors, lunatics, or absent as aforesaid, and are not represented by their guardian, committee, attorney, or other person authorized in that behalf, or if there exist other grounds which, in the judgment of the arbitrators, render it improper to make immediate payment of the compensation awarded by them, or of any part thereof, to any of the parties interested in such land, the said arbitrators shall certify the same to the said Collector or Officer, under whose directions they may act, and in such case, or if for any such reason, or any such ground as aforesaid, the said Collector or other Officer shall deem immediate payment improper, then the amount of compensation payable shall be held in deposit by Government, until the parties interested in the said land or some of them shall obtain an order of a competent Court for the payment of the same and interest (if any) to them. All sums held in deposit as aforesaid exceeding in amount the sum of five hundred Rupees, shall be invested in Government Securities.

XVI. On the close of the inquiry, the arbitrators or umpire shall deliver to the Collector or other Officer appointed as aforesaid, a full and complete report and award upon the questions submitted to their arbitration, under their respective signatures, specifying the amount of compensation to be granted, and (except where under Section XV. it may appear proper to suspend payment,) the parties to whom it is to be made, and the proportions to be paid to each respectively, with a solemn declaration subscribed thereto, that the award so given, is, to the best of their judgment, true and impartial, and according to the evidence adduced before them, and they shall at the same time deposit with the said Collector or Officer the whole of their proceedings.

XVII. All suits and proceedings instituted against Government to obtain compensation for land taken as aforesaid, other than such petitions to set aside awards as aforesaid, shall be dismissed with costs, but nothing herein contained shall affect the rights of any party to recover the value of any land taken by Government from any person who may have received the same without having any title thereto.

XVIII. In the case of land declared by a Minute of the Governor in Council to be needed for a public purpose being acquired by the Government by bargain with, and purchase from the parties apparently interested therein, the Collector or Officer appointed by Government to receive possession of the same, shall cause proclamation to be made in the manner prescribed in the fourth Section of this Act, of the transfer of the land to Government, by the said parties, and requiring all other persons who may claim any right, title or interest in such land, to prefer their claims within one calendar month after such proclamation made; and any claims that may be preferred shall be dealt with under Section V. or under Section VI. and the following Sections of this Act. Provided always, that if no claim shall be made within one calendar month after such proclamation as aforesaid, the said land shall vest absolutely in the Government, free and clear of all other estates, rights, titles, remainders, reversions, limitations, trusts, interests, mortgages, liens or incumbrances whatsoever of and in the said land so purchased; and any suit to recover the land so purchased by Government, or to obtain from Government compensation for the loss thereof, which may be preferred in any Court of Judicature, shall be dismissed with costs. But nothing herein contained shall affect the liability of the party who may receive the value of any land purchased by Government without having a good title to the same.

XIX. In cases referred to arbitration, under the provisions of this Act, any necessary expense which may attend the inquiry of the arbitration whether for the diet of witnesses or otherwise shall be paid by Government.

XX. The provisions of Act XLII. of 1850, shall be applicable and in force within the Madras Presidency; and the said Act shall be construed as if instead of the words and figures "Regulation I. of 1824 of the Bengal Code" or "the said Regulation" therein mentioned, the number and title of this Act had been therein inserted.

XXI. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction, (that is to say,)

Words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular.

Words importing the masculine gender only shall include females.

The word "land" shall extend to tenements and hereditaments of any tenure, and all houses, buildings, walls, or appurtenants thereupon as well as land.

The expression "party or parties interested in the land" shall be understood to mean all parties interested in the land either for life or for years, or in remainder, reversion, or succession, and all trustees, *cestuique* trusts, mortgagees, incumbrancers, leaseholders or tenants not being tenants by the month or at will of such land.

Act No. XXVI. of 1852.

Passed on the 14th May 1852.

An Act to amend the mode of procedure in the Courts of the Sudder Ameens and Moonsiffs in the Presidency of Fort William in Bengal, and to extend the powers of Principal Sudder Ameens in appeals referred to them.

Whereas it is desirable that the mode of procedure in original suits in the Courts of the Sudder Ameens and Moonsiffs in the Presidency of Fort William in Bengal, should be assimilated to the mode of procedure in such suits in the Courts of the Judges and Principal Sudder Ameens, and whereas it is desirable to extend to Principal Sudder Ameens power to issue an injunction for the revision of an original decission according to Clause 2, Section II., Regulation IX. 1831, in regard to appeals referred to them, It is hereby enacted as follows:—

I. Sections XIX., XXI., XXII., XXIV., XXVII., XXIX., XXXV. and XXXVII., Regulation XXIII. 1814, and Clauses 1, 2, 3, and 5, Section XXV. of the same Regulation, and Section LXXIII. of the same Regulation, so far as it extends, Clauses 1, 2, 3, and 5, Section XXV. and Section XXXV. of the same Regulation to Sudder Ameens, Clause 5, Section V., and Clause 3, Section XV., Regulation V. 1831 and so much of Clause 3, Section VIII. of the said Regulation V

1831, as relates to the Clauses and Sections of Regulation XXIII. 1814, hereinbefore mentioned, and Section VI. of the said Regulation V. 1831, except in so far as it rescinds Sections LVII., LVIII., and LIX. of the said Regulation XXIII. of 1814, are hereby repealed.

II. All laws and rules now in force relating to the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Judges and Principal Sudder Ameens, shall also apply to and regulate the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Sudder Ameens and Moonsiffs.

III. Sections XIII. and XXI., Regulation III. 1793, Sections VII. and XI., Regulation VII. 1795, Sections XVII. and XIX., Regulation II. 1803, Sections VIII. and IX., Regulation VII. 1832, as extended by Act XXI. 1850, shall be applicable to suits and cases in the Courts of the Moonsiffs, Clause 2, Section IV., Regulation XXVI. 1814, relating to reviews of judgment shall also be applicable to the Courts of Sudder Ameens and Moonsiffs. Provided always, that if a Sudder Ameen or Moonsiff shall be of opinion that a review of his judgment ought to be granted, he shall report the case to the Judge, who is hereby authorized to permit such review under the same rules as are prescribed by the existing Regulations with respect to similar applications to the Court of Sudder Dewanny Adawlut.

IV. Every Sudder Ameen and Moonsiff shall have power and authority to try suits in which any Vakeel or Officer of his Court is a party, anything in Section VIII., Act VI. 1843, and in Clause 2, Section XV., Regulation V. 1831 to the contraty notwithstanding; and suits under Clause 1, Section XXX., Regulation II. 1819 may be referred to them by the Zillah Judge for trial and decision under the restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2, and 3, Section V., and Clause 2, Section XV., Regulation V. 1831.

V. Nothing in this Act contained shall be construed so as to repeal or otherwise affect the rules regarding the dispensing with the use of stamp paper on certain documents in the Courts of the Moonsiffs contained in Clause 2, Section IX., Regulation V. 1831, or the rules for procuring the attendance of witnesses in the Courts of the Moonsiffs contained in Section II., Act XVII. 1845.

VI. Applicants for execution of decrees may file with their petitions an authenticated copy of the decree of which execution is sought to be taken out, and in such case it shall not be necessary to compare the petition with the decree contained in the original record of the suit, anything in Clause 7, Section XV. Regulation XXVI. 1814 to the contrary notwithstanding.

VII. Original suits referred to a Sudder Ameen under Clause 2, Section XV., Regulation V. 1831, shall be tried and determined in conformity with the provisions

of Regulation XXIII. 1814, and of this Act, anything in Clause 3, Section XV. Regulation V. 1831, to the contrary notwithstanding.

VIII. Nothing in this Act contained shall be construed to affect the mode of procedure in any cases pending in the Courts of the Sudder Ameens and Moonsiffs at the time of the passing of this Act, but the mode of procedure in all such cases shall be governed by the law in force previous to the passing of this Act.

IX. The powers given to Zillah and City Judges, by Act VII. 1838, to issue an injunction for the revision of an original decision which has been found erroneous or insufficient according to Clause 2, Section II., Regulation IX. 1831, are extended to Principal Sudder Ameens in regard to all appeals referred to them.

X. This Act shall be deemed to extend only to the Bengal Presidency, and to refer only to the Regulations of the Bengal Code.

Act No. XXXII. of 1852.

Passed on the 20th August, 1852.

An Act to facilitate the prosecution of certain Ministerial and Police Officers for certain Criminal Acts.

Whereas it is expedient to enable the local Governments, and the head Officers of departments or Officers under Government, to prosecute their subordinate ministerial or Police Officers for acts of corruption, extortion, embezzlement or other malversation, whether or not any charge be preferred by an aggrieved private party in respect of such acts, It is enacted as follows:—

I. Whenever the local Government, or the head Officer of a department or Office under Government, shall be of opinion that there are good grounds for making a public enquiry into the truth of any imputation of corruption, extortion, embezzlement, or other malversation committed at any time during tenure of office, by any ministerial or Police Officer, subject to the jurisdiction of the Courts of the East India Company, and subordinate to such Government, or employed in such department or office, as the case may be, it shall be lawful for such Government, or any such head Officer as aforesaid, to prosecute such Officer on the part of Government in a Criminal Court, or to nominate some person to conduct such prosecution; and it shall also be lawful for such Government, or head Officer as aforesaid, in their or his discretion, to undertake on the part of Government the prosecution in a Criminal Court of any such charge, as aforesaid, which may be brought by an aggrieved private party against any such ministerial or Police Officer, and such prosecutions as aforesaid shall not be barred, or affected, by reason of the party prosecuted having ceased to be in the service of Government at the time at which the charge may be brought against him.

II. Provided always, that no Collector, Magistrate, nor head of an office in the Salt, Abkarree, or Customs Department under the grade of Commissioner, shall commence or undertake a prosecution under this Act, until he shall have obtained the permission of the Court, Board, or Officer to whom he is immediately subordinate, to institute the same.

III. No Collector, Magistrate, Judge, or other Officer, who may prosecute any Officer under this Act, or cause such prosecution to be instituted, or who may conduct any preliminary investigation into the conduct of such Officer connected with such prosecution, nor any of his Deputies, Assistants, or Subordinate Officers, shall act as judge in any such prosecution.

IV. Nothing herein contained shall be construed so as to repeal or otherwise affect Regulations IX. 1822 and VII. 1828, of the Madras Code, and Act XXXVI. 1837, and the said Regulations and Acts shall remain in full force with respect to the malversations and offences in the Revenue Department to which they are applicable.

Act No. XXXIV. of 1852.

Passed on the 10th September 1852.

An Act for the prevention of Gambling in the Settlement of Prince of Wales' Island, Singapore and Malacca.

Whereas the vice of gambling has much increased, and many gaming-houses have been established within the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca, for suppression of which the laws now in force are inadequate; It is enacted as follows:—

I. Every person who, within the Settlement of Prince of Wales' Island, Singapore and Malacca, shall keep a common gaming-house, or any room or other place used for the purposes of a common gaming-house, or who shall have the care or management thereof, or shall in any manner conduct the business of any such common gaming-house, either as banker, shroff, occupier or otherwise, shall, on conviction before the Court of Quarter Session of the said Settlement, be punishable by imprisonment, with or without hard labor, for any term not exceeding six calendar months, or, in the discretion of the Court, to a fine not exceeding Five Hundred Dollars, and in default of payment of such fine, where a fine shall be imposed, the offender may be imprisoned by the said Court, with or without hard labour, either in the House of Correction or Her Majesty's Jail, for any period not exceeding six calendar months.

II. In default of other evidence proving any house, room, or place to be used as a common gaming-house, it shall be enough, in support of the allegation in any

charge that any house, room, or place is a common gaming house, to prove that such house, room, or place is kept or used for playing therein at cards, dice, poh, or any unlawful game, and that a bank is kept there by any one or more of the players exclusively of the others, or that the chances of any game played therein are not alike favorable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the other players stake, play, or bet; and every such house, room, or place shall be deemed a common gaming-house.

III. Every person who shall be found in any such common gaming-house playing or gaming with cards, dice, counters, poh, money, or other instruments of gaming, or who shall be found there, present for the purpose of gaming, or who shall be found gaming with cards, dice, counters, poh, money, or other instruments of gaming in any public street, place, or thoroughfare within the said Settlement, whether playing for any money, wager, stake or otherwise, shall be punishable, on conviction before the Court of Quarter-Session of the said Settlement, by imprisonment for any term not exceeding three calendar months, or, in the discretion of the said Court by fine not exceeding Two Hundred Dollars, and in default of payment of such fine, may be imprisoned by the said Court, with or without hard labor, either in the House of Correction or in Her Majesty's Jail, for any period not exceeding three calendar months; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

IV. Any Justice of the Peace of the said Settlement, upon information laid before him on oath, that there is reason to suspect any house, room, or place within the said Settlement to be used as a common gaming-house, may, by his warrant, give authority to any Peace Officer of the said Settlement to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to take into custody all persons whom he finds therein, whether or not then actually gaming; and to seize all instruments of gaming, and all moneys and securities for money found therein, and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and to search also the persons of those whom he so takes into custody, and to seize and take possession of all cards, dice, pohs, counters and other instruments of gaming, which he shall find upon such search.

V. If any Peace Officer shall see any persons engaged in playing at cards, dice, poh, or other game, in any common gaming-house, it shall be lawful for such Peace Officer and his Assistants, without a warrant, to enter such gaming-house, and to apprehend all persons whom he shall find therein in the act or for the purpose of gaming, and to seize and take possession of all money and instruments of gaming

found therein, or upon the persons of those so taken into custody; Provided that neither such Peace Officer nor any of his Assistants shall use force or violence, for the purpose of gaining admittance into such gaming-house.

VI. When any cards, dice, pohs, gaming-table, or cloth, board, or other instruments of gaming are found in any house, room, or place, of which information has been given on oath to a Justice of the Peace that it is suspected of being used as a common-gaming house, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Peace Officer, or any of his Assistants.

VII. On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Court of Quarter Session, which may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all moneys seized therein, to be forfeited, or in its discretion may order any part thereof to be returned to the parties appearing to have been severally thereunto entitled.

VIII. Any Officer of Police may arrest, without warrant, all persons whom he may see in the act of gaming in any common gaming-house, or in any public street, place, or thoroughfare in the said Settlement, and seize all cards, dice, pohs, counters and instruments of gaming which he finds in their possession, and such cards dice, pohs, counters, and instruments shall, on conviction of any of the parties, be forfeited.

IX. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

X. Any person, who shall have been concerned in any unlawful gaming, and who shall be examined as a witness before the said Court of Quarter Session on the trial of any person or persons for a breach of any of the provisions of this Act, and who upon such examination shall make true and faithful discovery, to the best of his or her knowledge, of all things as to which he or she shall be so examined and who shall thereupon receive from the said Court a certificate in writing to that effect shall be freed from all prosecutions under this Act for anything done before that time in respect of such unlawful gaming.

XI. Any Justice of the Peace of the said Settlement, upon information laid before him upon oath charging any person with being the keeper or manager of a

common gaming-house, or of any room or place used for the purpose of a common gaming-house within the said Settlement, may issue his warrant directed to any Peace Officer to apprehend any such person, and to bring him before such Justice or any other Justice of the Peace of the said Settlement to be dealt with according to law.

XII. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill played at licensed hotels, taverns, or eating houses, or places of public resort within the said Settlement.

XIII Every person who shall, by any fraud, or unlawful device, or ill practice in playing at or with cards, dice, or other game, or in bearing a part of the stakes, wagers, or adventures, or in betting on the sides or hands of them that do play or in wagering on the event of any game, sport, past time or exercise win from any other person for himself, or any other or others, any sum of money, or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence, with intent to cheat or defraud such person of the same, and, being convicted thereof, shall be punished accordingly.

XIV. No conviction, or other proceeding before the said Court of Quarter Session, under this Act, shall be quashed, reversed, or set aside, or adjudged void or insufficient for want of form, or be removed by *Certiorari* into Her Majesty's Court of Judicature of the said Settlement.

XV. The Court of Quarter Session shall, on conviction, have power to direct any portion, not exceeding one-fourth of any fine which shall be levied under the provisions of this Act, or any part of the moneys or proceeds of articles seized under the provisions of this Act, and ordered to be forfeited, to be paid to an informer; and the balance of such fines and moneys, or the whole thereof as the case may be, shall be applied to the use of the municipal fund of the station within the said Settlement at which the same shall have been taken.

Act No. I. of 1853.

Passed on the 4th February 1853.

An Act for providing in the Presidencies of Fort St. George and Bombay for the punishment of Males of tender age for Petty Thefts.

Whereas it is expedient, until adequate improvements in Prison Discipline can be effected at the Presidencies of Fort St. George and Bombay, to substitute corporal punishment for imprisonment, in case of offences committed by males of tender age, who should be punished rather in the way of school discipline than of ordinary criminal justice, It is enacted as follows :—

I. Every Magistrate, Joint Magistrate or First Assistant Magistrate in either of the Presidencies of Fort St. George or Bombay, and every Deputy or Assistant

Magistrate in either of the said Presidencies, to whom the Governor in Council of the Presidency in which he is such Deputy or Assistant Magistrate may grant authority, shall, on conviction of theft of property not exceeding in value rupees fifty, if the person convicted be a male, and shall appear to him, by inspection or other evidence, to be of such tender years as to require punishment rather in the way of school discipline than of ordinary criminal justice, sentence such person to corporal punishment with a light ratan, not exceeding ten stripes, to be inflicted on the bare palm of the hand, or through a light garment on the back.

II. In cases of sentences to corporal punishment as aforesaid, no other punishment shall be superadded, and the punishment shall be inflicted on all occasions in the presence of the Officer who awards it.

ACT No. III. OF 1853.

Passed on the 11th March 1853.

AN ACT relating to the Railway belonging to the Great Indian Peninsula Railway Company in the Presidency of Bombay.

Whereas it is expedient before the opening of any part of the Railway belonging to the Great Indian Peninsula Railway Company, in the Presidency of Bombay to provide rules for regulating the said Railway, for preventing frauds upon the said Company, and for the punishment of certain offences which may endanger the safety of persons travelling upon the said Railway; It is enacted as follows:—

I. No passenger shall enter any Carriage used on the aforesaid Railway, without having first paid his fare and obtained a ticket. Each passenger, on payment of his fare, shall be furnished with a ticket, specifying the class of Carriage and the distance for which the fare has been paid; each passenger shall, when required, show his ticket to any servant of the said Company duly authorized to examine the same, and shall deliver up such ticket upon demand, to any of the Company's servants duly authorized to collect tickets. Any passenger, not producing or delivering up his ticket as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove that he has travelled a less distance only, and has paid his fare for such less distance.

II. At the intermediate stations the fares shall be deemed to be accepted, and the tickets furnished only upon condition that there shall be room in the train for which the tickets shall be furnished. In case there shall not be room for all the passengers to whom tickets shall be furnished, those who shall have obtained tickets for the longest distance shall have the preference, and those who shall have obtained tickets for the same distance shall have the preference according to the order in which they shall have received their tickets.

III. Any person, who shall attempt to defraud the Company by travelling, or attempting to travel, upon the Railway without having previously paid his fare, or by riding in or upon a Carriage of a higher class than that for which he shall have paid his fare, or by continuing his journey in or upon any of the Carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof, or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such Carriage, or who shall in any other manner whatever, attempt to evade the payment of his fare, is hereby subjected to a penalty, not exceeding Twenty Rupees.

IV. Any passenger, who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit any Carriage while such Carriage is in motion, or who shall ride or attempt to ride on the steps or any other part of a Carriage except on those parts which are intended for the accommodation of passengers, shall be liable to a penalty, not exceeding Twenty Rupees.

V. Any person other than the engine-man and fire-man, who shall ride or attempt to ride upon any locomotive engine or tender, and any person other than the guard or breaksman, who shall ride or attempt to ride upon any luggage, van or goods-waggon, without the special license of the Superintendent of Locomotives, shall be liable to a penalty not exceeding Twenty Rupees, for each offence.

VI. No person shall smoke either on the Company's premises, or in or upon any of their Carriages (except in places or Carriages which may be specially provided for the purpose); any person infringing this regulation is hereby subjected to a penalty not exceeding Twenty Rupees, and any person persisting in such infringement after being warned to desist by any of the Company's servants, in addition to incurring the penalty above-mentioned, may immediately, or at the first opportunity, be removed from the Company's premises, and shall forfeit his fare.

VII. Any person who shall be found in any Railway Carriage, or any part of the Company's premises, in a state of intoxication, or committing any nuisance, or act of indecency, or shall wilfully and without lawful excuse interfere with the comfort of any passenger on the Railway, shall be liable to a penalty not exceeding Twenty Rupees; and in addition to such liability the offender may immediately, or at the first opportunity of travelling, be removed from the Company's premises, and shall forfeit his fare.

VIII. If any special Carriage, or portion of a Carriage, or any private room or apartment shall be provided for the exclusive use of females, any male person who shall enter such Carriage or portion of a Carriage, or any such room or apart-

ment, knowing the same to be exclusively appropriated as aforesaid, or who shall remain therein after having been informed of its exclusive appropriation, shall be liable to a penalty, not exceeding Twenty Rupees, and may be immediately removed therefrom, and also from the Company's premises, and shall forfeit his fare.

IX. The Company shall not in any case be answerable for passengers' luggage, unless it shall have been booked and separately paid for.

X. If any person shall fail to pay on demand any sum due for the conveyance of any goods conveyed upon the Railway, it shall be lawful for the Company to detain and sell all or any part of such goods, or if the same shall have been removed from the premises of the Company, it shall be lawful for them to detain and sell any other goods on their premises belonging to the party liable to pay such sum, and out of the money arising from such sale to retain the sum payable as aforesaid, and all charges and expenses of such detention and sale, rendering the overplus, if any, of the money arising by such sale and such of the goods as shall remain unsold, to the person entitled thereto, or the Company may recover any such sum by action at law.

XI. The owner or person having the care of any goods which shall have been carried upon the said Railway, or shall be brought on to the premises of the said Railway Company for the purpose of being carried on their Railway, shall, on demand by any servant of the Company appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried, or shall be about to be carried, deliver to such servant an exact account in writing signed by him of the number or quantity of such goods.

XII. If any such owner or person as aforesaid shall fail to give such account to such servant of the Company demanding the same, or if he shall give a false account thereof, he shall for every such offence, forfeit to the Company a sum not exceeding Fifty Rupees for every ton of goods, or for any parcel exceeding one hundred weight, (as the case may be), in addition to the sum payable for the carriage of such goods.

XIII. No person shall be entitled to carry, or to require the Company to carry, upon the Railway, any goods which in the judgment of the Company shall be of a dangerous nature; and if any person shall cause any dangerous goods to be carried upon the said Railway, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the Book-keeper, or other servant of the Company to whom the same shall be delivered for the purpose of being so carried, he shall forfeit to the Company Two Hundred Rupees for every such offence; and it shall be lawful for the Company to refuse to carry any parcel that they may suspect to contain goods of a dangerous

nature, or to require the same to be opened to ascertain the fact previously to carrying the same.

XIV. Any person who shall wilfully obstruct or impede any officer or servant of the Company in the discharge of his duty on the Railway, or any of the works, stations or premises connected therewith, shall be liable to a penalty not exceeding Fifty Rupees.

XV. Any person who shall trespass upon the Railway, or on any of the lands, stations or other premises belonging to the Company, shall be liable to a penalty not exceeding Twenty Rupees; and if any such person shall refuse to leave such premises on being requested to do so by any officer, servant or other person on behalf of the Company, he shall be liable to a penalty not exceeding Fifty Rupees, and may be immediately removed from such premises by such officer, servant, or other person as aforesaid.

XVI. Any person who shall ride, lead, or drive upon or across the said Railway, or any part thereof, any beast or animal, (except in directly crossing the said Railway at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do,) shall be liable to a penalty not exceeding Fifty Rupees for each offence.

XVII. The owner of any animal which shall be found straying on the Railway, or on any lands belonging to the Company, shall be liable to a penalty not exceeding Ten Rupees for each animal.

XVIII. Any person who shall unlawfully and wilfully remove or deface the number plates, or remove or extinguish any lamp or any carriage belonging to the said Company, or shall wilfully damage or injure any carriage, engine, waggon, truck, ware-house, building, machine, fence, or any other matter or thing belonging to the Company, shall be liable to a penalty not exceeding Fifty Rupees, in addition to the amount of damage done.

XIX. If any person for whose use or accommodation any gate shall have been set up by the said Company on either side of the said Railway, or any other person, shall open such gate, or pass or attempt to pass, or drive or attempt to drive any animal across the said Railway, at a time when any engine or train passing along the same shall be in sight, or who shall at any time omit to shut and fasten such gate as soon as he and any carriage, cattle or other animals or things under his charge shall have passed through the same, he shall forfeit for every such offence a sum not exceeding Fifty Rupees.

XX. If any person shall commit any offence against this Act to which any penalty is attached, and the name and address of such person shall be unknown, any officer or servant of the Company, or any Police Officer, may lawfully appre-

hend and detain such person until he can conveniently be taken before a Magistrate or other officer having jurisdiction over the offence, or until he shall be otherwise discharged by due course of law.

XXI. Whoever shall wilfully do any act or omit to do what he shall be legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause any engine, tender, carriage, or truck upon the said Railway to be obstructed, mismanaged, overthrown, or damaged in its passage upon the said Railway, and the life or limb of any person to be thereby endangered, shall be liable to be transported beyond sea for the term of his life, or to be imprisoned, with or without hard labour, for any term not exceeding seven years.

XXII. If any officer or servant of the said Company shall wilfully or negligently omit to do, what he shall be legally bound to do, and if, in consequence of such omission, the life or limb of any person shall be endangered, such officer or servant shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

XXIII. If any officer or servant of the said Company shall be in a state of intoxication whilst actually employed upon the Railway, or any of the works connected therewith, in the discharge of any duty, the omission or negligent performance of which would be likely to endanger the life or limb of any person, such officer or servant shall be liable to imprisonment, with or without hard labor, for a term not exceeding one year.

XXIV. In the construction of this Act every officer or servant of the Company shall be deemed to be legally bound to do everything which he shall be required to do by any regulation having regard to public safety which shall be made by the said Railway Company, and allowed by the Government of Bombay, and of which such officer or servant shall have notice.

Act No. IX. of 1853.

Passed on the 22nd April 1853.

An Act to amend Act No. VI. of 1853.

It is hereby enacted, that the first eight Sections of Act No. VI. of 1853, shall not extend to any case in which a petition for the sale of any saleable tenure was presented on the first day of Bysack, 1260, of the Bengal era, nor to any case in which any proceedings were pending at the time of the passing of the said Act.

Act No. XII. of 1853.

Passed on the 22nd July 1853.

An Act supplemental to Act No. III. of 1853, relating to the Great Indian Peninsula Railway Company in the Presidency of Bombay.

Whereas by Act No. III. of 1853, certain offences are made punishable by pecuniary penalties or forfeitures, and doubts have arisen whether such offences are punishable by Magistrates of Police in the Islands of Bombay and Colaba, and it is expedient to remove such doubts, and also to define by what Officers such offences shall be punishable; It is enacted as follows:—

I. Any person who shall be guilty of any offence for which, according to the provisions of the said Act, such person shall be liable to any pecuniary penalty or forfeiture, shall be punishable for such offence by any Magistrate of Police, Justice of the Peace, Magistrate, Joint Magistrate or person lawfully exercising the power of a Magistrate, within the local limits of whose jurisdiction such offence shall be committed, and any person hereby made punishable by a Magistrate of Police or Justice of the Peace, shall be punishable upon summary conviction.

II. Any Deputy or Assistant Magistrate, and any District or Joint Police Officer, may, to the extent of the powers conferred upon him by the general Regulations of the Bombay Code, and by the Acts of the Governor General of India in Council exercise the powers conferred upon a Magistrate by this Act, coupled with Act No. II. of 1839.

III. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section I. of the said Act No. III. of 1853 may be enforced in the same manner as any penalty under this Act.

Act No. XV. of 1853.

Passed on the 28th October 1853.

An Act for the amendment of Procedure in cases of regular appeal to the Sudder Courts in the Presidency of Fort William in Bengal.

Whereas it is desirable to simplify and shorten the procedure in regular appeals to the Courts of Sudder Dewanny Adawlut in the said Presidency; It is enacted as follows:—

I. Act IV. 1850, and Sections II, III. and IV Act XXX. 1850, are hereby repealed, except as to appeals presented before the passing of this Act.

II. *Clause 1st.*—Every petition of regular appeal in a case appealable to either of the said Sudder Courts shall be presented to the Court in which the decision was passed within six weeks from the day of the decision. Such petition of appeal shall,

except in cases of petitions under Section XIII. of this Act, contain only notice that the party, being dissatisfied with the decision, is desirous of appealing from it.

Clause 2nd.—The Sudder Court may extend the time for presenting such petition of appeal to the lower Court, upon being satisfied that there is sufficient cause for such extension of time. The application for such extension of time may be made, directly to the Sudder Court, or through the intervention of the lower Court, at the option of the applicant.

III. On presentation of a petition of regular appeal to the Court, in which the decision was passed, notice thereof to the respondent, as well as a proclamation to the same effect, shall immediately issue from that Court; and a copy of the proclamation shall be forthwith fixed up in some conspicuous part of the Court House of the said Court. If the notice cannot be personally served, the proclamation shall at once be fixed upon the door of the respondent's dwelling house, or in some conspicuous place in the village or place where he usually resides; or in cases in which the respondent shall not have a fixed residence within the jurisdiction of the Company's Courts, the proclamation may be fixed upon the door of his house of business or cutcherry, or the notice may be served on his known local agent. In case the proclamation cannot be fixed or the notice served in the manner above-mentioned, the proclamation shall be fixed up in such other place, if any, as the said last-mentioned Court shall direct. The Nazir shall make a return to the Court stating when and where the notice and proclamation have been served or fixed up. The return of the Nazir shall be filed in Court and shall form part of the record of the case, and such return shall be published by fixing up the same in some conspicuous part of the Court House of the lower Court.

IV. *Clause 1st.*—The Rule in Section XI. Regulation VI. 1793, which directs copies of all original papers transmitted to the Sudder Court with the record of an appealed case to be made out and deposited in the Court in lieu of the originals, is hereby modified, and it shall be necessary to copy, authenticate and deposit only the exhibits in the case, and also any other papers of importance, including the pleadings, or any parts of them which either of the parties shall require to be copied, authenticated and deposited in the lower Court previously to their being transmitted to the Sudder Court.

Clause 2nd.—If either of the parties require any papers to be copied, authenticated and deposited, such party shall either by himself or his pleader or authorized agent give notice in writing thereof to the lower Court, before the expiration of fourteen days from the time of the publication of the return of the Nazir as aforesaid. Such notice shall specify the papers which the party requires to be copied, authenticated and deposited.

Clause 3rd.—Either party may by himself or his pleader or authorized agent before the presentation of an appeal give notice in writing to the lower Court specifying any papers or documents which he requires to be copied, authenticated and deposited, in the event of an appeal being preferred.

V. The petition of appeal, together with the record of the lower Court, shall be certified to the Sudder Court as soon as conveniently may be after the presentation of the petition of appeal. Provided that the same shall not be certified within the time allowed to the parties for specifying the papers which they desire to be copied, authenticated and deposited.

VI. On arrival of the appeal record at the Sudder Court, notice shall be affixed in the Court House of the said Court, requiring the appellant to file, within six weeks from the date thereof, his grounds of objection to the decision of the Court below. Within the said space of six weeks the appellant shall file in the said Sudder Court his grounds of objection to the decision.

VII. *Clause 1st.*—On the filing of the grounds of objection by the appellant, notice shall be affixed in the Court House of the Sudder Court requiring the respondent to file his grounds of objection, if any, to the appeal or to the decision of the lower Court within four weeks from the date of such notice.

Clause 2nd.—Within the said space of four weeks, the respondent shall file any grounds of objection which he has to the appeal, or which relate to such parts of the decision as are involved in the appeal.

Clause 3rd.—If the respondent shall desire to object to any part of the decision of the lower Court not involved in the appeal, he may present a separate petition of appeal to the Sudder Court within the said space of four weeks, or within such further time as the said Sudder Court shall allow for that purpose.

Clause 4th.—The respondent shall in such case file with his petition of appeal his grounds of objection to that part of the decision to which his appeal relates, otherwise his appeal shall not be received.

VIII. *Clause 1st.*—At the expiration of the time allowed to the respondent for filing his grounds of objection and for filing a separate petition of appeal in the Sudder Court, the record shall be deemed complete and the case ready to be called up for decision on any day which the Sudder Court may notify, unless the respondent within such time file a separate petition of appeal in the Sudder Court.

Clause 2nd.—If the respondent file a separate petition of appeal in the Sudder Court, notice shall be fixed up in the Court House of the Sudder Court to the effect that the respondent has filed such separate appeal, and the notice shall require the appellant to file any grounds of objection which he may have thereto, within the space of four weeks from the date of the notice.

Clause 3rd.—Within such space of four weeks the appellant may file any grounds of objection which he has to such appeal, or which relate to that part of the decision which is involved in the respondent's appeal. At the expiration of the time allowed for filing such grounds of objection by the appellant, the record shall be deemed complete, and the case ready to be called up for decision on any day which the Sudder Court shall notify for that purpose.

Clause 4th.—If the appeal of either party be dismissed or withdrawn, the appeal of the other may be heard alone; otherwise the two appeals and the proceedings thereon shall form one record, unless the Sudder Court shall otherwise order.

IX.—The respondent shall not be allowed to present a separate petition of appeal in the Sudder Court, if he shall previously have presented a petition of appeal to the lower Court.

X. *Clause 1st.*—All grounds of objection which shall be filed by either the appellant or the respondent, shall be stated distinctly and concisely without any argument or narrative of facts, and shall be numbered consecutively, and except in the cases hereinafter mentioned, shall be on paper bearing the stamp duty prescribed by Article 9, Schedule B, Regulation X. 1829.

Clause 2nd.—The Sudder Court may extend the time for filing grounds of objection either by an appellant or respondent upon special application for that purpose and upon sufficient reasons being shown to the satisfaction of the said Court for such extension of time. In such case the objections may be filed within such extended time.

XI. Either party may, by leave of the Sudder Court or any Judge thereof, at any time before the hearing, amend his grounds of objection or add grounds of objection to those filed, upon such terms and conditions and within such time as the said Court or Judge may order. The said Court may also, upon the hearing of any appeal, allow either party to amend his grounds of objection, or to add further grounds,, or to urge and be heard by himself or his pleader in support of any objection not included in his grounds of objection, upon such terms and conditions as to postponement of the cause, and as to the payment of costs or otherwise, as the Court shall think just, to prevent the opposite party or his pleader from being taken by surprise or otherwise. Without such leave of the Court, neither party shall be allowed to urge or be heard in support of any objection not included in his grounds of objection filed. But the Court shall not be confined to such grounds of objection on deciding the cause.

XII. *Clause 1st.*—The Sudder Court may call up for hearing and decision on any day the Court shall notify, and without regard to the place in which the case stands in the general list of appeals, any grounds of objection filed by the respondent or the appellant to the appeal of the opposite party, and the Sudder Court may hear

and decide upon such grounds of objection before calling the case up for decision upon the grounds of objection to the decision of the lower Court.

Clause 2nd.—If the grounds of objection filed by the appellant, and respondent, shall be upon points of law only, and shall not raise any question of fact, the Sudder Court may order the case to be called up for hearing and decision on any day which the said Court shall notify, without regard to the place in which it stands in the general list of appeals pending in the said Court.

Clause 3rd.—If the grounds of objection filed shall raise questions of law and fact, and it shall appear to the Sudder Court that the decision of the law may render it unnecessary to determine any question of fact so raised, the Court may order the case to be called up for decision upon the law alone, in the first instance, in the manner pointed out in the last preceding Section, and if their decision of the case upon the law shall render it unnecessary to determine any question of fact, the said Court shall pass a final decision in the case, otherwise the Court shall determine the law only, and the case shall be afterwards set down in the list of regular appeals for hearing upon the question or questions of fact, and shall be determined in the same manner as any other regular appeal.

XIII. If any party to a regular suit be desirous of being admitted to appeal *in formâ pauperis* to the Sudder Court, the following procedure shall be adopted.

Clause 1st.—The appellant shall present his petition to the lower Court according to the rules prescribed by Section II. of this Act. Provided that a petition to appeal *in formâ pauperis* against any decision passed before this Act shall come into operation, may be presented within three months from the day of the decision.

Clause 2nd.—Petitions of appeal by parties desirous to appeal *in formâ pauperis* shall contain a statement to that effect, and also a Schedule of the whole real and personal property belonging to the petitioner, and the estimated value of such property, and shall be written on paper bearing the stamp duty of Two Rupees per sheet.

Clause 3rd.—Upon the presentation of such petition, the notice to the respondent and the proclamation shall state that the appellant desires to appeal *in formâ pauperis.*

Clause 4th.—On arrival of the appeal record at the Sudder Court, the same procedure shall be adopted in that Court as in other cases of regular appeal, except that after the filing of the grounds of objection by the appellant, and before notice shall be given requiring the respondent to file his grounds of objection, the Sudder Court shall determine, according to the rules now applicable to the determination of such cases, whether or not the appellant shall be allowed to appeal *in formâ pauperis.*

Clause 5th.—If the Sudder Court allow the petitioner to appeal *in formâ pauperis,* notice shall be given to the respondent to file his grounds of objection in the manner provided by Section VII. of this Act, and the same procedure shall be adopt-

ed subsequently thereto as in other cases of regular appeal under this Act. The rules and conditions now applicable to persons admitted by the Sudder Court to appeal *in formâ pauperis* shall continue in force except where the same are inconsistent with any of the provisions of this Act.

Clause 6th.—If the Sudder Court refuse to allow the petitioner to appeal *in formâ pauperis*, the said Court may make an order to the effect that the appellant upon filing a petition of appeal in that Court, upon paper stamped with the stamp duty required by Article 8, Schedule B, Regulation X. 1829, and upon re-filing his grounds of objection on paper stamped with the stamp duty required by Article 9 of same Schedule, may proceed with the appeal according to the rules prescribed by this Act in the case of persons not appealing as paupers.

Clause 7th.—Upon such order being made, the appellant shall file his petition and re-file his objections upon paper stamped with the stamp duty required by Clause 5 of this Section, within two weeks from the date of such order, or within such further time as the said Court may allow for that purpose, otherwise the appeal shall stand dismissed.

Clause 8th.—Upon the re-filing of the grounds of objection according to the provisions of the last preceding Clause, notice of the order and of the re-filing of such obejctions shall be given to the respondent in the manner prescribed by Section VII. of this Act, and the respondent shall be required to file his grounds of objection, if any, according to the provisions of that Section. The procedure subsequent to such notice shall be according to the general provisions of this Act.

Clause 9th.—If an appellant shall petition to appeal *in formâ pauperis*, his grounds of objection may be written on plain paper.

XIV. If an appellant shall be admitted to appeal or a respondent to defend *in formâ pauperis*, all grounds of objection subsequently filed by either party may be written on plain paper.

XV. No decision shall be reversed or altered, nor shall any case be remanded upon appeal to the Sudder Court on account of any error, defect or irregularity not productive of injury to either party, nor opposed to any express enactment contained in the general Regulations or Acts of Government.

XVI. This Act extends only to regular appeals which shall be presented after the passing of this Act in Civil cases appealable to either of the Sudder Courts in the Presidency of Fort William in Bengal.

ACT No. XVI. OF 1853.

Passed on the 18th Nov. 1853.

AN ACT for Amending the Law of Special Appeals.

I. Act No. III. of 1843 is hereby repealed, except as to cases in which a petition for appeal shall have been presented before this Act shall come into operation.

II. If any application for a special appeal shall have been presented, and no order shall have been passed thereon before this Act shall come into operation, such application shall be heard and determined in the same manner as an appeal presented under this Act; and all the provisions of this Act shall extend to such application and to the hearing thereof, and to all subsequent proceedings thereon; and also to the hearing and determination of the appeal if the same shall be admitted.

III. If any such application shall have been presented, and the appeal admitted before the Act shall come into operation, the appeal shall be heard and determined, in the same manner as if this Act had not been passed, except that the Sudder Courts shall determine the appeal without reference to the points certified, and may call for or refer to any part of the proceedings which may be necessary, and that the provisions of Section X. of this Act shall extend to such appeals.

IV. A special appeal shall lie to the Sudder Courts in the several Presidencies of Fort William in Bengal, Fort St. George and Bombay, from any decision passed on regular appeal in any of the Civil Courts subordinate to the said Sudder Courts respectively, on any of the following grounds, namely:—

1st. On the ground that the decision hath failed to determine all material points in difference in the cause, or hath determined the same or any of them contrary to law or usage having the force of law.

2nd. On the ground of a misconstruction of any document.

3rd. On the ground of any ambiguity in the decision affecting the merits.

4th. On the ground of any substantial error or defect in procedure, or in the investigation of the case, provided such error or defect be apparent on the record, and shall have produced, or be likely to have produced any error or defect in the decision of the case upon the merits. Provided always that no such special appeal shall lie, nor shall any such decision be reversed, altered, or remanded by any of the said Sudder Courts, upon the ground that the decision of any question of fact is contrary to or not warranted by the evidence duly taken in the cause, or any probability deduced from the record.

V. *Clause* 1.—A petition of special appeal may be presented in the Sudder Court or it may be presented in the Court in which the decision objected to was passed for transmission to the Sudder Court. In either case the petition must be presented within three months from the date of the decision appealed against, un-

less the petitioner can show just and reasonable cause to the satisfaction of the Sudder Court for not having presented it within such limited period.

Clause 2.—Every such petition of special appeal shall be accompanied by authenticated copies of the decree objected to and of the decree of the Court of original jurisdiction. If the appeal be presented in the Court in which the decree objected to was passed, such last mentioned Court shall forthwith forward the same to the Sudder Court with an endorsement thereon of the date on which it was presented, together with the copies of the decrees of the lower Courts by which it was accompanied.

Clause 3.—An application for an extension of the time for presenting a petition of special appeal may be made directly to the Sudder Court or through the intervention of the lower Court at the option of the applicant.

VI. Every petition for a special appeal shall set forth concisely and under distinct heads the grounds of objection to the decision appealed without any argument or narrative, and such grounds shall be numbered consecutively.

VII. *Clause* 1.—The Sudder Courts shall cause lists of the petitions, which shall be presented for the admission of special appeals to be prepared weekly, and to be affixed in the Court houses of the said Sudder Courts respectively. The said lists shall set forth the dates on which such petitions are likely to be brought on for hearing, and the said Sudder Courts shall cause extracts from the said lists to be transmitted to the Courts in which the decisions on regular appeal were passed; such extracts shall be affixed in some conspicuous place in the last mentioned Courts, and extracts therefrom shall be transmitted by such Courts to the Courts in which the original suits were instituted, and such last mentioned extracts shall be affixed in some conspicuous place in the said last mentioned Courts. The time to be fixed by the Sudder Court for the hearing of any petition shall not be less than six weeks from the date of despatch of the extracts referring to the same from the Sudder Court. The date of the despatch of each extract shall be notified thereon.

Clause 2.—At any time within the period of one month from the date of the despatch of the extract referring to the appeal, or within such further time as the Sudder Court shall for just and reasonable cause, allow for that purpose, the respondent may present a separate petition of special appeal in the Sudder Court upon any of the grounds upon which a special appeal will lie against any part of the decision of the lower Court not involved in the appeal of the opposite party, provided the respondent shall not previously have presented a special appeal in the cause. Such petition, however, shall not be inserted in any list to be prepared in pursuance of Clause 1, Sec. VII. of this Act.

Clause 3.—If the petition of appeal or the appeal of either party be dismissed, withdrawn or rejected, the application for appeal or the appeal, as the case may be, of the other party, shall be heard alone according to the provisions of this Act:

otherwise, all applications for special appeal and all admitted special appeals relating to the same decision, shall respectively be heard together unless the Sudder Court shall otherwise order in any case.

VIII. *Clause* 1. It shall be lawful for one or more of the Judges of the said Sudder Courts, respectively, to hear applications for special appeals, duly presented as aforesaid, in the presence of the appellant, or his pleader, and also of the respondent or his pleader or such of them as shall attend, and it shall be competent for such Judge or Judges to call for and peruse any document forming a part of the record of the cause; or to order the amendment of the petition of special appeal forthwith, or within such time as he or they may order, not exceeding one month from the date of such order; or to make an order of reference to the Court which pronounced the decree appealed from for further information or explanation; or to pass an order for admitting the appeal for hearing or for rejecting the same; or, if it shall appear that the facts have not been sufficiently recorded, or that the case is otherwise so insufficient that the Sudder Court could not, if the appeal were admitted, pass a final decree thereon, but for no other cause, to issue an injunction, setting forth the errors, irregularities, or other defects in the decision appealed against, and remanding the same to the Court by which the same shall have been passed, in order that such decision may be reviewed by the last mentioned Court, and that such order or decree may be passed thereon as shall be conformable to law. Provided always that no such remand shall be ordered as aforesaid, except upon grounds whereon a special appeal will lie under this Act. If any such application shall be heard by only two Judges, and they differ in opinion as to admitting the appeal for hearing, it shall be admitted.

Clause 2.—An order for admitting a special appeal for hearing shall specify, for the information of the Court, the grounds upon which it was admitted. But neither the Court nor the parties shall be confined to those grounds upon the hearing.

Clause 3.—If an order be passed for admitting the special appeal for hearing the case shall be brought on to the file of the Court to be heard and determined in due course.

Clause 4.—If an order for rejecting a special appeal or for remanding a case be made by one Judge only, such order shall not be final, but it shall be laid before another Judge of the same Court who shall hear the application for the appeal in the presence of the appellant or his pleader and also of the respondent or his pleader or such of them as shall attend. If the second Judge be of opinion that the appeal ought to be rejected or the case remanded he shall pass a final order to that effect; if he be of opinion that the appeal ought to be admitted he shall pass an order for admitting the same, and the appeal shall thereupon be admitted, heard and determined in due course, in the same manner as if it had been admitted in the first instance.

Clause 5.—A final order for remanding a case shall not be made without notice to the respondent to enable him to appear and be heard.

Clause 6.—Any Judge by whom an order for admitting a special appeal shall be made may certify that in his judgment the decision of the lower Court is manifestly erroneous upon any of the grounds upon which a special appeal will lie, and thereupon the appeal may be set down for hearing in a list to be called the list of certified special appeals. All cases entered in such list may be called up in due course for hearing and decision according to the provisions of this Act without regard to the general list of special appeals pending in the Sudder Court.

Clause 7.—If an application for a special appeal be heard by a number of Judges sufficient according to the provisions of this Act to hear and determine the appeal and it shall appear that the decision is manifestly erroneous, or that the case ought to be remanded the appeal may be heard and determined forthwith, if the respondent or respondents be present or represented by a pleader or pleaders, otherwise the Court may order the case to be entered in the list of certified appeals, and the same shall be entered accordingly.

IX. *Clause* 1.—Every order for rejecting a special appeal shall state the reason for disallowing each of the grounds set forth in the petition, and every such order of rejection may be once reviewed by the Judge or Judges by whom the same was passed or by any Judge or Judges sitting for or instead of him or them, if they or he shall think fit to review the same. Provided that no such review shall be allowed unless application for the same be made within three months from the date of such order.

Clause 2.—If any such order be rescinded or if the Judges who shall review the same shall be equally divided in opinion, the appeal shall be admitted and the case brought on to the file of the Court and heard and determined in due course.

Clause 3.—A petition for the review of such order shall be written on paper stamped with a Government stamp of the value of Two Rupees a sheet.

X. *Clause* 1.—When any special appeal shall be admitted, the same shall be heard and determined by three or more of the Judges of the Sudder Court, and such hearing and determination shall be upon all the grounds whereon a special appeal will lie under this Act.

Clause 2.—The Sudder Court may at any time before or at the time of the hearing of any special appeal or any application for a special appeal allow either party to amend the grounds of objection set forth in his petition, or to add further grounds of objection thereto; or to urge and be heard by himself or his pleader in support of any objection not included in his petition, upon such terms and conditions as to postponement of the hearing, and as to the payment of costs or otherwise as the Court shall think just, to prevent the opposite party or his pleader from being taken

by surprise or otherwise. Without such leave of the Court, neither party shall be allowed to urge or be heard in support of any objection not set forth in his petition. But upon hearing the application or determining the appeal the Sudder Court shall not be confined to the grounds of objection set forth in the Petition.

XI. The existing Laws and Regulations of the Presidencies of Bengal, Madras and Bombay, relating to special appeals shall continue in force, in the said Presidencies respectively, so far as they are not inconsistent with, or repealed by, this Act.

Act No. XIX. of 1853.

Passed on the 2nd December 1853.

XL. If any party to any such suit as aforesaid shall, in any pleading or statement, refer to any document in his possession or power, as a material proof or document in support of his claim or defence, he shall file such document with the pleading or statement, unless the Court shall, for good and sufficient cause, extend the time for filing the same; and any adverse party shall be entitled, by himself, or his vakeel, to inspect and take a copy of the document.

Act No XXI. of 1853.

Passed on the 9th December 1853.

An Act for providing for the exercise of certain Powers by the Governor General during his absence from the Council of India.

Whereas it is expedient that the Governor General should visit the Province of Pegu and other Eastern Provinces unaccompanied by any Member of the Council of India, It is enacted as follows:—

I. During the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council during the absence of the Governor General and except the power of making Laws and Regulations.

II. This Act shall commence from the day on which it shall be notified by an order published in the *Calcutta Gazette* that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid, and shall not continue in force for a longer period than two calendar months from the time of the passing of this Act.

ACT No. I OF 1854.

Passed on the 3rd February 1854.

AN ACT to amend the law for facilitating the acquisition of land needed for public purposes within the local limits of the Jurisdiction of the Supreme Court of Judicature at Madras.

I. The provisions of Act XX of 1852, as herein modified, shall be applicable to all lands situate within the local limits of the jurisdiction of the Supreme Court of Judicature at Madras.

II. The powers given to the Civil Court of the Zillah in Section XIV of Act No. XX of 1852 shall, for the purposes of this Act, be exercised by the Supreme Court of Judicature at Madras, either upon motion or petition; and the said Court, upon the investigation of any matter under the provisions of this Section, may compel the attendance of witnesses and take their evidence in the same manner as upon a trial of an action at law, and the said Court upon such motion or petition may award such costs as they may think just.

III. In all cases in which payment of any part of the purchase or compensation money exceeding in amount the sum of five hundred Rupees is held in deposit according to Section XV Act XX of 1852, on account of any lands taken for any public purpose under this Act, the Government Securities mentioned in the said Section shall be deposited with the Government Agent at Fort St. George, in the name and with the privity of the Accountant General of Her Majesty's Supreme Court of Judicature at Fort St. George, to be placed by him to the credit of the persons interested in such lands, describing them as nearly as may be done according to the course of proceeding in the said Court in matters and causes depending before it in Equity.

IV. The said Securities shall remain in the hands of the Government Agent, and the interest accruing on the Securities shall be, from time to time, received and paid under the order of the said Supreme Court to the person or persons for the time being who would have been entitled to receive the rents and profits of the said lands if the same had not been taken as aforesaid, until there shall be some person or persons absolutely entitled to receive the principal sum of the moneys so reserved, and thereupon the said Government Securities, with all interest then due thereon, shall be transferred and paid to such person or persons under the like order of the said Court; and so long as no person can be found entitled to receive the interest of the said Government Securities, the Government Agent shall continue to receive, and from time to time to invest, the accumulation of interest due thereon in the purchase of other Government Securities to be held and applied by him on the same trusts as the Securities first purchased.

V. The right to receive payment of all sums not exceeding five hundred Rupees which shall be held in deposit under the said Section XV Act No. XX of 1852 may be determined by the Madras Court of Small Causes, and the said Court may make an order for the payment thereof, which order shall be a sufficient indemnity to the Government and all persons acting in obedience thereto.

Act No. III of 1854.

Passed on the 3rd February 1854.

An Act to amend the 38th Article of War for the Native Army.

Whereas it is expedient that any Native Soldier who shall make away with or pawn any medal granted to him for service in the Field, or for general good behaviour, should be punished for such unsoldier-like conduct; It is enacted:—

That there shall be added to the 38th Article of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company the words following,—that is to say:—" or who shall make away with or pawn any medal, or decoration, granted to him by order of Her Majesty or of the East India Company, or by order of Government, for service in the Field or for general good conduct,"

Act No. VIII of 1854.

Passed on the 17th February 1854.

An Act to explain and amend Act No. X of 1851 and Act No. XX of 1841.

Whereas doubts exist as to the limits within which certificates of administration to personal estates granted in pursuance of Section IV Act X of 1851, by the British representative accredited to a foreign State, or by the British Officer holding the highest executive authority in a district to which Act XX of 1841 does not extend, are operative, and it is expedient to remove such doubts, and also to amend the provisions of the said Acts; It is enacted as follows:—

I. Every such certificate of administration as aforesaid, which shall hereafter be granted, shall, as regards the public securities of the East India Company, give authority to the person to whom the same shall be granted throughout the territories in the possession and under the Government of the East India Company, and have the same effect throughout the said territories as a certificate granted under the provisions of Act XX of 1841, as amended by Act X of 1851, has within the Presidency within which the same is granted.

II. No certificate granted under the provisions of Act XX of 1841, as amended by Act X of 1851, or under the provisions of Act X of 1851, shall empower the per-

son certified to negotiate any Government note or share of a Bank or any share of such security, or to receive any interest or dividend due thereon, or any share of such interest or dividend, unless the Government note or Bank share shall be specified in such certificate.

III. Any Judge, British representative, or other British Officer authorized to grant a certificate may, from time to time, extend the same to any Government note or Bank share not originally specified therein, and every such extension shall have the same effect as if the Government note or Bank share to which the certificate shall be extended had been originally specified therein.

IV. Upon the extension of a certificate, security may be required in the same manner as upon the original grant of a certificate.

Act No. X of 1854.

Passed on the 24th February 1854.

II. Deputy Magistrates vested with special powers shall, in each of the said divisions of the Bengal Presidency, have the same powers to decide cases under Act IV of 1840, as by Act XXVII of 1845 are vested in Assistant Magistrates with special powers.

III. Magistrates or Joint Magistrates may, at any time, call from any of their Assistants, or from any Deputy Magistrate subordinate to them, any case pending before any such Assistant or any such Deputy Magistrate under the provisions of this Act, which for any reason the Magistrate or Joint Magistrate may deem it proper to determine himself in the first instance.

Act No. XI of 1854.

Passed on the 3rd March 1854.

An Act to amend Act No. XXI of 1835, and Act No. XXII of 1844, and to authorize the issue of Half Pice.

Whereas it has been deemed expedient, with reference to the convenience of the public, that Copper Coins to be called Half Pice should be issued; It is enacted as follows:—

I. So much of Section I, Act No. XXI of 1835, as enacts that the Copper Coins therein mentioned only shall be issued from any Mint in the Presidency of Bengal, and so much of Section I, Act No. XXII of 1844, as enacts that the Copper Coins therein mentioned only shall be issued from any Mint within the territories of the East India Company, are repealed.

II. After the passing of this Act, Copper Coins to be called Half Pice may be issued from any of the Mints in the territories under the Government of the East India Company.

III. A Half Pice shall weigh fifty grains troy, and shall be a legal tender in any part of the said territories for $\frac{1}{128}$ part of the Company's Rupee, but shall not be a legal tender except for fractions of a Rupee.

Act No. XII of 1854.

Passed on the 10th March 1854.

An Act for conferring Criminal Jurisdiction upon District Moonsiffs in the Presidency of Madras.

Whereas the administration of justice in the Presidency of Madras will be promoted by vesting District Moonsiffs with jurisdiction in criminal cases; It is enacted as follows:—

I. It shall be competent to the Governor in Council of Fort St. George, by an order in writing, to empower one or more of the District Moonsiffs, in any Zillah of the said Presidency, to hear and determine complaints or prosecutions for petty offences and for petty thefts, as defined in Sections XXXII and XXXIII of Regulation IX of 1816, and for petty offences of the description specified in Clause 1 Section VIII Regulation XIII of 1832, and to inflict upon the offenders the punishments which Magistrates are authorized to inflict for the same offences by the said Sections of Regulation IX of 1816, and by Clause 2 Section VIII Regulation XIII of 1832.

II. In bringing criminal cases before a District Moonsiff for trial under this Act, the District Police shall be subject to the same laws and rules as are now applicable to them in bringing similar cases before a Magistrate.

III. Prisoners under trial by the District Moonsiffs under the provisions of this Act shall remain in the custody of the Police.

IV. All laws and rules now in force relating to the mode of procedure in such criminal cases in the Courts of the Magistrates, shall also apply to and regulate the mode of procedure in such criminal cases in the Courts of the District Moonsiffs.

V. Provided always, that in trials or investigations under this Act, the District Moonsiffs shall take down the complaint and defence as well as the oral evidence fully in writing, and shall receive all relevant and material documentary evidence, properly tendered, and file the same or a copy thereof, or such parts thereof as may be relevant.

VI. The powers vested in Sessions Judges by Section XXXVII Act VII of 1843, and the Regulations therein referred to, to review, alter, and overrule the pro-

ceedings, orders, and judgments passed by the Sudder Ameens in criminal cases, shall extend to the proceedings, orders, and judgments passed by the District Moonsiffs under this Act.

VII. It shall be competent to the Governor in Council, when he shall empower one or more of the District Moonsiffs in any Zillah to exercise criminal jurisdiction under this Act, to order at the same time that the provisions of Clauses 2, 3, and 4, Section IV, Regulation IV of 1821, and of Act XXXIII of 1837, shall cease to have any operation in that Zillah, or in the parts of it in which such criminal jurisdiction is to be exercised by a District Moonsiff.

Act No. XIV of 1854.

Fort William, the 15th April 1854.

The following Act is brought up before the Legislative Council this day. The Governor General of India in Council being desirous that no time should be lost in passing the Act, Resolved:—That the rule requiring that no draft of a law shall be ordered to be published till at least one week shall have elapsed from the day on which it was first laid before the Council of India in its Legislative Department, and that the Rules requiring that all Acts of the Governor General of India in Council shall be brought up for second reading in two months, or in three months from the date of the first reading, be suspended in respect to the following proposed Act, and that it be at once passed into law.

An Act to continue the operation of Act No. XIX of 1845 until the 30th day of April 1855.

Whereas Act No. XIX of 1845, intituled An Act for incorporating the Assam Company, will cease to have effect after the 30th day of April 1854, and it is expedient that some temporary arrangement should be effected to prevent inconvenience to the interests of the Company by the expiry of its Charter before the necessary inquiries connected with a proposition for the renewal and extension of the Charter for a lengthened period can be completed; It is enacted as follows:—

I. Act No. XIX of 1845 shall continue to be in force until the 30th day of April 1855.

Act No. XV of 1854.

Passed on the 21st July 1854.

An Act to facilitate the proceedings of the Commissioners appointed to inquire into certain matters connected with the position of Sir James Brooke, Her Majesty's Commissioner and Consul General in Borneo.

Whereas the Governor General of India in Council has, by a Commission bearing date the seventh day of July, in the year of our Lord One Thousand Eight Hundred and Fifty-four, nominated and appointed Charles Robert Prinsep, Esq., Barrister-at-Law and Advocate-General of Fort William in Bengal, and the Honorable Humphrey Bohun Devereux, in the Civil Service of the East India Company on their Bengal Establishment, to inquire into certain matters connected with and arising out of the position of Sir James Brooke, Her Majesty's Commissioner and Consul General in Borneo; and whereas it is expedient that the Commissioners aforesaid should be invested with certain legal powers within the territories in the possession and under the Government of the East India Company; It is enacted as follows:—

I. Each of the said Commissioners shall, before beginning to act in the execution of the Commission aforesaid, take and subscribe, before one of the Judges of Her Majesty's Supreme Court of Judicature, at Fort William in Bengal, the following oath, that is to say:—

"I do swear, that I will truly and faithfully, according to the best of my knowledge and judgment, execute the powers and trusts vested in me by the Governor General of India in Council, by a Commission bearing date the Seventh day of July, in the year of our Lord One Thousand Eight Hundred and Fifty-four, and by Act No. XV of 1854. So help me God."

And the Judge of the Supreme Court before whom such oath shall be taken, shall transmit the same to the Secretary to the Government of India in the Foreign Department, to be filed among the records of his office.

II. It shall be lawful for the Commissioners aforesaid, by a summons under their hands, or under the hand of either of them, to require the attendance before them, at a time and place to be mentioned in such summons, of any person or persons whomsoever, residing or being within the Jurisdiction of the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore, and Malacca, whose evidence shall, in the judgment of the Commissioners aforesaid, be material to any of the matters directed by the Governor General of India in Council to be inquired of, and to require the person or persons so summoned to bring and produce before them all such books, papers, deeds, and writings, as to them, the said Commissioners, shall appear necessary for arriving at the truth of the matters directed to be enquired into by the said Commissioners, all which persons shall accordingly

attend the said Commissioners, and shall produce such books, papers, deeds, and writings as shall be required of them and shall be in their custody and control, or in the custody and control of any one of them, according to the tenor of the summons. Provided always that no person shall be compellable to answer any question or to produce any book, paper, deed, or writing, the answer to which, or the production of which, may criminate or tend to criminate such person, or to expose such person to any pains or penalties.

III. And whereas it may appear to the Commissioners aforesaid desirable to examine as witnesses several persons touching the matters directed to be inquired into, the evidence of which persons may tend to expose them to penal consequences, every person who shall be examined as a witness and give evidence before the Commissioners aforesaid touching the matters in question, and who shall, upon such examination, make a true discovery to the best of his knowledge touching all matters to which he or she shall be so examined, shall be freed from all penal actions, forfeitures, punishments, disabilities, and incapacities and all criminal prosecutions to which he or she may have been, or may become, liable or subject within any part of the said territories in the possession and under the Government of the East India Company for anything done by such person in respect of any acts relating to which he shall be examined. Provided that where any witness shall be so examined as aforesaid, such witness shall not be indemnified under this Act, unless or until he or she shall receive from the Commissioners aforesaid, under their hands, a certificate in writing, stating that such witness has upon his or her examination made a true disclosure touching all matters to which he or she has been so examined.

IV. It shall be lawful for the Commissioners aforesaid, or one of them, to administer an oath, or in the case of persons allowed by law to make affirmation instead of taking an oath, an affirmation in such form as to them, the said Commissioners, shall seem fit, to all persons who shall be examined before them touching the matters directed, or which may be directed to be inquired into by them as aforesaid.

V. If any person, upon whom any such summons shall be served by the delivery thereof to him or her, or by the leaving thereof at his or her usual place of abode, being a person subject to the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore, or Malacca, shall, without reasonable cause (to be allowed by the Commissioners aforesaid,) fail to appear before them at the time and place mentioned in the summons, or shall refuse to be sworn or to make affirmation (as the case may be,) or shall not make answer to such questions as shall be put to him or her touching the matters directed, or which may hereafter be directed to be inquired into by the Commissioners aforesaid, or shall refuse or fail without reasonable cause (to be allowed by the Commissioners aforesaid,) to produce and show to

the said Commissioners any such paper, book, deed, or writing being in their possession or under their control, as to the Commissioners aforesaid shall appear necessary for arriving at the truth of the matters directed to be inquired into by them, the Commissioners aforesaid shall have the same powers in all respects touching any such person so failing to appear, or refusing to be sworn or to make affirmation, or not answering such questions as shall be put to him or her, or refusing to produce and show any such book, paper, deed, or writing as aforesaid, as the Court of Judicature of the Settlement of Prince of Wales' Island, Singapore, and Malacca may by law exercise against any person for making default of appearance, or for refusing to be sworn or to give evidence on any issue joined in any action depending in such Court.

VI. Every person, who, upon examination upon oath or affirmation before the Commissioners aforesaid, shall wilfully give false evidence, shall be liable to the pains and penalties of perjury.

VII. No action shall be brought against the Commissioners aforesaid, or any other person or persons whomsoever, for anything done in the execution of this Act, unless such action shall be brought within six calendar months next after the doing of such thing.

VIII. In case of the death or resignation of either of the said Commissioners, or in the event of either of them becoming incapable of acting, it shall be lawful for the other Commissioner to act alone; and every part of this Act shall be deemed to apply to such Commissioner as if he alone had been mentioned herein.

Act No. XXIII of 1854.

Passed on the 28th of October 1854.

An Act for the suppression of Outrages in the District of Malabar in the Presidency of Fort St. George.

Whereas in the District of Malabar in the Presidency of Fort St George, murderous outrages have been frequently committed by persons of the class called Moplas against inhabitants of those Districts belonging to other classes, the offenders in such outrages intending therein to sacrifice their own lives; and the general law of the country is not adequate to suppress such outrages; It is enacted as follows:—

I. It shall be lawful for the Governor in Council of Fort St. George, whenever he shall see fit, by a proclamation published in the *Fort St. George Gazette*, from time to time to declare the whole or any part or parts of the District of Malabar to be subject to the operation of all or any of the following provisions.

II. Any Mopla, who murders or attempts to murder any person belonging to any other class, or who takes part in any outrage directed by Moplas against persons of any other class, wherein murder is committed or is attempted to be committed, or is likely to be committed; and any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same; or who, after having committed, or having been accessary to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him; or who shall join or assist, or incite or encourage other persons to join or assist in such resistance; shall, on conviction thereof, be liable not only to the punishment provided by the existing law for the offence of which he may be convicted, but also to the forfeiture of all his property, of whatever kind, to Government, by the sentence of the Court by which he is tried; and whenever any person shall be killed in the act of committing any such offence as aforesaid, or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the Court which would have had cognizance of the offence, if the offender could have been brought to trial, to proceed, on the application of the Magistrate, to hold an inquest into the circumstances of the death of the offender; and on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government.

III. If any Mopla shall be sentenced to death for any capital offence, punishable also with forfeiture of property under this Act, it shall be lawful for the Court, by which such offender is convicted, by its sentence, to direct the body of such offender to be burned or buried within the precincts of the Jail, as it shall see fit; and in like manner, if any Mopla shall be killed in the act of committing any such offence as aforesaid, or having committed any such offence as aforesaid shall be killed in resisting a lawful attempt to apprehend him, it shall be lawful for the Magistrate to cause the body of the person so killed to be burned or buried within the precincts of the Jail, as the said Magistrate shall see fit.

IV. The Governor in Council shall have, with respect to the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by Regulation II of 1819 of the Madras Code and by Act V of 1841, respectively, regarding the confinement or trial of persons charged with or suspected of State offences; and the provisions of the said Regulation and Act, respectively, shall be applicable to all cases in which the Governor in Council shall proceed under the authority of this Section.

V. The Magistrate of the District may cause any Mopla or other person, against whom there are, in his judgment, grounds of proceeding under the last Sec-

tion, to be apprehended, and after such enquiry as he may think necessary, may detain such Mopla or other person in safe custody, until he shall have received the orders of the Governor in Council, to whom in all such cases he shall report his proceedings without unnecessary delay.

VI. If, with the previous consent of the Governor in Council, any person, against whom the Governor in Council shall think fit to proceed under Section IV, shall undertake, in consideration of the suspension of such proceedings, to depart within a specified period from within the limits of the continent of India or of any part thereof, and shall in breach of his said undertaking, and without the permission of the Governor in Council, remain or return within such limits, he shall be liable to be punished with imprisonment with or without hard labor, for a period which may extend to seven years, or with fine, or both.

VII. Whenever any such outrage, as is specified in the 2nd Section of this Act, the same being punishable under this Act, shall have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate, with the sanction of the Governor in Council to levy such sum of money, as the Governor in Council shall authorize, from all the Moplas within the umshum or the several umshums to which the perpetrator or perpetrators, or any one of such perpetrators of such outrages, shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage; and the said Magistrate shall assess the proportions in which the said sum shall be payable upon the several heads of families of Moplas within such umshum or umshums, according to his judgment of their respective means; and the said Magistrate shall appropriate the sum so levied as follows, that is to say, in the first place, to the compensation of the parties aggrieved by such outrages, including therein compensation to the family of any person dying by any such outrage for the pecuniary loss occasioned or likely to be occasioned by such death; and, subject to such compensation, to the use of the Government.

VIII. All fines and pecuniary liabilities incurred under this Act may be levied by a Magistrate under summary process, in the same manner as the Public Revenue may be realized by a Collector; and no action shall lie in any Civil Court against the Magistrate in respect of any fine imposed, or any assessment made under this Act, or in respect of the levy of any portion of such fine from the person or persons upon whom the same shall have been assessed.

IX. It shall be lawful for the Governor in Council, by such proclamation as aforesaid from time to time, to withdraw from the operation of the provisions of this Act any part or parts of the said District which he may previously have declared to be subject thereto; and in like manner, as occasion shall require, to subject the same part or parts again to the operation of such provisions, or of any of them.

X. The provisions of this Act shall continue in force until the 31st December 1859.

Act No. XXVIII of 1854.

Passed on the 18th of November 1854.

An Act to continue the Commissioners for the Improvement of the Town of Calcutta, pending the consideration of an Act to amend Act X of 1852.

Whereas Act X of 1852, for constituting Commissioners for the Improvement of the Town of Calcutta, has been found ineffectual and inconvenient for the purposes thereof, and it is expedient that the constitution of the said Commission be amended, and that in the meantime no new election of Commissioners be made in pursuance of the said Act; It is enacted as follows:—

I. So much of Act X of 1852 as relates to the election and time of holding office of the Commissioners for the Improvement of the Town of Calcutta, is repealed.

II. The Commissioners for the Improvement of the Town of Calcutta as now constituted, shall continue to be such Commissioners, and shall have and exercise all the powers entrusted to them under Act X of 1852 or any other Act, until the 31st of December 1855, or until other provision shall be made in that behalf by the Legislative Council of India; and if in the meantime any vacancy, from any cause whatever, happen among the said Commissioners, it shall be lawful for the Lieutenant-Governor of Fort William in Bengal to appoint a person to fill such vacancy, and the Commissioner so appointed shall have all the powers and privileges conferred on or belonging to the Commissioner in whose stead he shall be appointed.

Act No. XXIX of 1854.

Passed on the 18th of November 1854.

An Act to prohibit the exportation of Saltpetre to certain Ports in Europe.

Whereas it is expedient that the exportation of Saltpetre to any port on the Continent of Europe, North of Dunkirk should be prohibited during the continuance of hostilities between the Allied Powers and the Emperor of Russia; It is enacted as follows:—

I. It shall not be lawful, until the Governor General of India in Council shall otherwise order, to export Saltpetre from any part of the Territories in the possession and under the Government of the East India Company, to any port on the Continent of Europe North of Dunkirk.

II. If any person attempt to export Saltpetre contrary to the provisions of this Act, the same shall be seized and confiscated.

Act No. XXXII of 1854.

Passed on the 16th of December 1854.

An Act to facilitate inquiries respecting the alleged use of Torture in the Presidency of Fort St. George.

Whereas the Governor of Fort St. George in Council has nominated and appointed Edward Francis Elliot, Esquire, Chief Magistrate and Superintendent of Police of Madras, Hudleston Stokes, Esquire, Acting Collector of Madras, and John Bruce Norton, Esquire, Barrister-at-Law, Commissioners to make certain inquiries and investigations relating to the alleged use of torture in that Presidency; and whereas it is expedient that the said Commissioners and all other Officers who have been, or shall be authorized or required, to make such inquiries, should be vested with certain legal powers; It is enacted as follows:—

I. It shall be lawful for the Commissioners aforesaid, by a summons under their hands, or under the hand of either of them, to require the attendance before them, at a time and place to be mentioned in such summons, of any person or persons whomsoever residing or being within the local limits of the jurisdiction of the Supreme Court of Judicature at Fort St. George, whose evidence shall, in the judgment of the Commissioners aforesaid, be material to any inquiry relating to the use of torture in the said Presidency, which the said Commissioners have been, or may be directed by the said Governor in Council to make, and to require the person or persons so summoned to bring and produce before them all such books, papers, deeds, and writings, as to them, the said Commissioners, shall appear necessary for arriving at the truth of the matters directed to be inquired into by the said Commissioners, all which persons shall accordingly attend the said Commissioners, and shall produce such books, papers, deeds, and writings as shall be required of them, and shall be in their custody and control, or in the custody and control of any one of them, according to the tenor of the summons.

II. If any person, upon whom any such summons shall be served, by the delivery thereof to him, or by the leaving thereof at his usual place of abode, shall, without reasonable cause (to be allowed by the Commissioners aforesaid,) fail to appear before them at the time and place mentioned in the summons, or shall refuse to be sworn or to make affirmation (as the case may be,) or shall not make answer to such questions as shall be put to him touching the matters directed, or which may hereafter be directed, to be inquired into by the said Commissioners, or shall refuse or fail, without reasonable cause (to be allowed by the said Commissioners,) to produce and show to the said Commissioners any such paper, book, deed, or writing, being in his possession or under his control, as to the said Commissioners shall appear necessary for arriving at the truth of the matters directed to be in-

quired into, the said Commissioners shall have the same powers in all respects touching any such person so failing to appear, or refusing to be sworn, or to make affirmation, or not answering such questions as shall be put to him, or refusing to produce and show any such book, paper, deed, or writing, as aforesaid, as the said Supreme Court of Judicature may by law exercise against any person for making default of appearance, or for refusing to be sworn, or to give evidence on any issue joined in any action depending in such Court.

III. Every Judge, Collector, Magistrate, or other Officer, who shall be authorized or required by the said Governor in Council to make any inquiry relative to the use of torture in any part of the said Presidency, and to compel the attendance of witnesses upon such inquiry, shall have and exercise all or any of the powers conferred by Section VIII of Act No. XXXVII of 1850 upon Commissioners appointed under that Act; and all the provisions of that Section and of Section IX of the same Act shall be applicable for the protection of every Officer appointed to make any such inquiry as aforesaid; and also for the purpose of compelling the attendance of witnesses, and the production of documents upon such inquiry; and for the punishment of persons disobeying any lawful process issued for the purpose of compelling such attendance or production of documents.

IV. If the said Commissioners require the evidence of any person residing or being beyond the local limits of the jurisdiction of the Supreme Court of Judicature at Fort St. George, or if any such Judge, Collector, Magistrate, or other Officer who hath been or shall be authorized to make any inquiry relating to the use of torture, shall require the evidence of any person residing or being beyond the limits of the ordinary jurisdiction of such Judge, Collector, Magistrate, or other Officer, it shall be lawful for the person or persons requiring such evidence, by a letter to be signed by him or them, to request any Judge, Collector, Magistrate, or other Officer having by law power to examine witnesses upon oath, to examine such witness upon interrogatories to be sent with the letter, or according to instructions to be sent therewith as to the point or points upon which the evidence of the witness is required; and the Judge, Collector, Magistrate, or other Officer to whom such letter shall be directed, shall examine the witness, or cause him to be examined upon oath or affirmation accordingly.

V. Every Judge, Collector, Magistrate, or other Officer to whom such letter of request shall be sent, shall have the same powers for compelling the attendance of the witness, for examining or causing him to be examined upon oath or affirmation, and for punishing him for any contempt or for refusing to attend or give evidence, as if the evidence of such witness were required in any matter within the ordinary jurisdiction of such Judge, Collector, Magistrate, or other Officer.

VI. Every witness, who shall be required to attend or give evidence under the provisions of this Act, shall be entitled to a reasonable sum for his expenses of travelling to and from, and remaining at the place at which he is required to attend.

VII. No person shall be excused from answering any question put to him by the said Commissioners, or any of them, or by any such Judge, Collector, Magistrate, or other Officer as aforesaid, upon the ground of any privilege, nor on the ground that the answer to such question will tend to criminate such person; but no statement made by any person in answer to any such question shall, except for the purpose of punishing such person for wilfully giving false evidence upon such examination be admissible in evidence in any proceeding, Civil or Criminal, and every person who upon such examination, shall be compelled to give evidence which may tend to expose him to penal consequences, shall be freed from all penal actions, forfeitures, punishments, disabilities, and incapacities, and all criminal prosecutions, to which he may have been, or may become liable or subject within any part of the territories in the possession and under the Government of the East India Company, for any thing done by such person in respect of any acts relating to which he shall be examined, unless the Commissioners, or Commissioner, Judge, Collector, Magistrate, or other Officer who shall have examined such witness, shall certify in writing under their or his hands or hand, that such witness is not entitled to the protection lastly hereinbefore given, on the ground that he has not made a full and true disclosure touching all matters to which he has been so examined.

VIII. It shall be lawful for the said Commissioners, or one of them, or for any such Judge, Collector, Magistrate, or other Officer as aforesaid, to administer an oath, or in the case of persons allowed by law to make affirmation instead of taking an oath, or affirmation, in such form, as to them, the said Commissioners, shall seem fit, to all persons who shall be examined before them, touching the matters directed, or which may be directed, to be inquired into by them as aforesaid.

IX. Every person who, upon examination, upon oath or affirmation, before the said Commissioners, or before any such Judge, Collector, Magistrate, or other Officer as aforesaid, shall wilfully give false evidence, shall be liable to the pains and penalties of perjury.

X. No action shall be brought against the Commissioners aforesaid, or any other person or persons whomsoever, for any thing done in the execution of this Act unless such action shall be brought within six calendar months next after the doing of such thing.

XI. In case of the death or resignation of either of the said Commissioners, or in the event of either of them becoming incapable of acting, it shall be lawful for the other Commissioners, either alone or jointly with any other person who may be

appointed to act in the room of the Commissioner so dying, resigning, or becoming incapable of acting, to exercise all the powers of this Act; and every part of this Act shall be deemed to apply to the substituted Commissioner.

ACT No. XXXIV OF 1854.

Passed on the 23rd of December 1854.

AN ACT for regulating the establishment and management of Electric Telegraphs in India.

WHEREAS it is expedient that provision should be made for regulating the establishment and management of lines of Electric Telegraph in India; It is enacted as follows:—

I. Within the territories in the possession and under the Government of the East India Company, the said East India Company shall have the exclusive privilege of establishing lines of Electric Telegraph. Provided that the Governor General of India in Council may grant a license to any person or Company to establish a line of Electric Telegraph within any part of such territories, which license shall be revocable on the breach of any of the conditions therein contained.

II. Whoever shall, otherwise than under a license duly granted as aforesaid, establish, or after revocation of such license, maintain a line of Electric Telegraph within the said territories, shall be liable to a fine not exceeding one thousand Rupees, and for every week during which such line shall be maintained, shall be liable to a further fine not exceeding five hundred Rupees.

III. Whoever shall use a line of Electric Telegraph, knowing or having reason to believe that it is an unlicensed line, for the purpose of sending or receiving messages, or shall perform any service incidental thereto, shall, for every such offence, be liable to a fine not exceeding fifty Rupees.

IV. The Governor General of India in Council may, on the occurrence of any public emergency, take temporary possession of any line of Electric Telegraph established under license within the said territories.

V. Any Railway Company, on being required so to do by the Governor General of India in Council, shall permit the Government to establish upon the land of such Company adjoining the line of Railway a line of Electric Telegraph, and shall give every reasonable facility for establishing and using the same.

VI. The Governor General of India in Council may, from time to time, frame rules for the conduct af Electric Telegraphs established by Government not inconsistent with this Act, and therein prescribe the regulations, conditions, and restrictions according to which all messages and signals shall be transmitted.

VII. The Government shall not be responsible for any loss or damage which may occur in consequence of any person employed by the Government in the Electric Telegraph Department failing to transmit with accuracy any message entrusted to him for transmission; and no such person shall be responsible for any such loss or damage, unless he shall cause the same negligently, maliciously, or fraudulently.

VIII. Whoever shall, without permission, enter into a Government Telegraph Office, or shall refuse to quit the same on being requested to do so by any Officer or servant employed therein, or shall wilfully obstruct or impede any such Officer or servant in the performance of his duty, shall be liable to a fine not exceeding one hundred Rupees.

IX. Whoever shall wilfully cause or attempt to cause any interruption to the transmission of signals along a line of Electric Telegraph established by the Government, by cutting or injuring the wire, or by injuring any portion of the line, or any instrument or apparatus, or by any other means, shall be liable to imprisonment, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

X. Whoever shall wilfully or negligently damage or injure any post or any portion of the line of such Electric Telegraph, shall be liable to a fine not exceeding Fifty Rupees.

XI. Whoever, being in the employ of the Government in the Electric Telegraph Department, shall fraudulently or maliciously secrete, make away with, alter, or omit to transmit any message which he may have received for transmission, or shall fraudulently or maliciously disclose any message so received by him and directed to be kept secret, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

XII. Whoever, being in such employ, shall be guilty of any Act of drunkenness, carelessness, or other misconduct, whereby the transmission or delivery of any message shall be endangered, or who shall loiter or make delay in the transmission or delivery of any message, shall be liable to a fine not exceeding one hundred Rupees.

XIII. Whoever, being in such employ, shall transmit by the Electric Telegraph, any message upon which the prescribed charge has not been paid, intending thereby to defraud the Government, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

XIV. Whoever shall fraudulently or maliciously transmit or cause to be transmitted by an Electric Telegraph established by Government a message which he knows to be false or fabricated, shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years, or to fine, or to both.

XV. Any person not being a European British subject, who shall, beyond the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, commit any of the offences mentioned in Sections IX, XI, XIII, and XIV of this Act, shall be punishable upon conviction by any Magistrate within whose jurisdiction the offence shall be committed.

XVI. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay, or for any of the Settlements of Prince of Wales' Island, Singapore, and Malacca, Magistrate, Joint Magistrate, or person lawfully exercising the powers of Magistrate, within whose jurisdiction the offence shall be committed; and any person hereby made punishable by a Justice of the Peace shall be punishable upon summary conviction.

XVII. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari;* and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment, shall be aided by what so appears in such depositions.

XVIII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case, every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

XIX. The local Government may give general authority to any such Assistant or Deputy Magistrate, to exercise without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of the conviction. Provided that a Magistrate may, at any time, call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

XX. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate or

Deputy Magistrate, may in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers, and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and if, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XXI. If any servant of the East India Company, employed in the Electric Telegraph Department, within the dominions of any Foreign Prince or State in alliance with the said Company, in which an Electric Telegraph is established by the said Company, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done by any person similarly employed within the territories under the Government of the said Company, such Servant of the said Company shall be guilty of an offence, and on conviction thereof shall be punished in the same manner as if such act had been done or omitted within the said last mentioned territories; and every such person may be tried, convicted, and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognizance of offences committed in such dominions by servants of the East India Company, or by any Court or Magistrate or other competent officer in any part of the territories within the Government of the East India Company, in the same manner as if the offence had been committed in such part of the said territories.

XXII. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "Fine" shall include a penalty or forfeiture.

XXIII. It shall be lawful for the Governor General in Council to frame rules for the conduct of any Electric Telegraph established by license under this Act, and to declare from time to time what portions of this Act shall be applicable to such Telegraph and to persons using the same or employed in connection therewith.

ACT No. I. OF 1855.

Passed on the 2nd February, 1855.

AN ACT for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

WHEREAS the Governor General in Council has declared that it is expedient that the Governor General should visit the Neilgherry Hills in the Presidency of Fort St. George, and other parts of India, unaccompanied by any Member of the Council of India; It is enacted as follows:—

I. During the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which might be exercised by the Governor General in Council in every case in which the said Governor General may think it expedient to exercise those powers.

II. This Act shall commence from the day on which it shall be notified, by an order published in the Official *Gazette*, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid, and shall not continue in force for a longer period than one year.

ACT No. IX. OF 1855.

Passed on the 21st March, 1855.

AN ACT for the Amendment of Procedure in cases of regular Appeal to the Sudder Court in the Presidency of Fort St. George.

WHEREAS it is desirable to simplify and shorten the procedure in regular appeals to the Court of Sudder Udalut in the Presidency of Fort St. George; It is enacted as follows:—

I. *Clause 1st.* In modification of Clause fifth, Section X. Regulation V. of 1802, every petition of regular appeal in a case appealable to the Sudder Court, shall be presented to the Court in which the decision was passed within six weeks from the day of the decision. Such petitions of appeal shall, except in cases of petitions under Section XII. of this Act, contain only notice that the party, being dissatisfied with the decision, is desirous of appealing from it.

Clause 2nd. The Sudder Court may extend the time for presenting such petition of appeal to the lower Court, upon being satisfied that there is sufficient cause

for such extension of time. The application for such extension of time may be made directly to the Sudder Court, or through the intervention of the lower Court, at the option of the applicant.

II. On presentation of a petition of regular appeal to the Court in which the decision was passed, notice thereof to the respondent, as well as a proclamation to the same effect, shall immediately issue from that Court, and a copy of the proclamation shall be forthwith fixed up in some conspicuous part of the Court House of the said Court. If the notice cannot be personally served, the proclamation shall at once be fixed upon the door of the respondent's dwelling-house, or in some conspicuous place in the village or place where he usually resides; or in cases in which the respondent shall not have a fixed residence within the jurisdiction of the Company's Courts, the proclamation may be fixed upon the door of his house of business or cutcherry, or the notice may be served on his known local agent. In case the proclamation cannot be fixed, or the notice served in the manner above-mentioned, the proclamation shall be fixed up in such other place, if any, as the said last-mentioned Court shall direct. The Nazir shall make a return to the Court stating when and where the notice and proclamation have been served or fixed up. The return of the Nazir shall be filed in Court, and shall form part of the record of the case, and such return shall be published by fixing up the same in some conspicuous part of the Court House of the lower Court.

III. *Clause 1st.* The rule in Section XI. Regulation V. of 1802, which directs copies of all original papers transmitted to the Sudder Court with the record of an appealed case to be made out and deposited in the lower Court, in lieu of the originals, is hereby modified, and it shall be necessary to copy, authenticate, and deposit only the exhibits in the case, and also any other papers of importance, including the pleadings, or any parts of them, which either of the parties shall require to be copied, authenticated and deposited in the lower Court, previously to their being tansmitted to the Sudder Court.

Clause 2nd. If either of the parties require any papers to be copied, authenticated and deposited, such party shall, either by himself, or his pleader or authorized agent, give notice in writing thereof to the lower Court, before the expiration of fourteen days from the time of the publication of the return of the Nazir, as aforesaid; such notice shall specify the papers which the party requires to be copied, authenticated and deposited.

Clause 3rd. Either party may, by himself, or his pleader or authorized agent, before the presentation of an appeal, give notice in writing to the lower Court specifying any papers or documents which he requires to be copied, authenticated, and deposited, in the event of an appeal being preferred.

IV. The petition of appeal together with the record of the lower Court shall be certified to the Sudder Court as soon as conveniently may be after the presentation of the petition of appeal, provided that the same shall not be certified within the time allowed to the parties for specifying the papers which they desire to be copied, authenticated, and deposited.

V. On arrival of the appeal record at the Sudder Court, notice shall be affixed in the Court House of the said Court, requiring the appellant to file, within six weeks from the date thereof, his grounds of objection to the decision of the Court below. Within the said space of six weeks, the appellant shall file in the said Sudder Court his grounds of objection to the decision.

VI. *Clause 1st.* On the filing of the grounds of objection by the appellant, notice shall be affixed in the Court House of the Sudder Court, requiring the respondent to file his grounds of objection, if any, to the appeal, or to the decision of the lower Court, within four weeks from the date of such notice.

Clause 2nd. Within the said space of four weeks, the respondent shall file any grounds of objection which he has to the appeal, or which relate to such parts of the decision as are involved in the appeal.

Clause 3rd. If the respondent shall desire to object to any part of the decision of the lower Court not involved in the appeal, he may present a separate petition of appeal to the Sudder Court, within the said space of four weeks, or within such further time as the said Sudder Court shall allow for that purpose.

Clause 4th. The respondent shall, in such case file with his petition of appeal, his grounds of objection to that part of the decision to which his appeal relates; otherwise his appeal shall not be received.

VII. *Clause 1st.* At the expiration of the time allowed to the respondent for filing his grounds of objection, and for filing a separate petition of appeal in the Sudder Court, the record shall be deemed complete, and the case ready to be called up for decision on any day which the Sudder Court may notify, unless the respondent, within such time, file a separate petition of appeal in the Sudder Court.

Clause 2nd. If the respondent file a separate petition of appeal in the Sudder Court, notice shall be fixed up in the Court House of the Sudder Court, to the effect that the respondent has filed such separate appeal; and the notice shall require the appellant to file any grounds of objection which he may have thereto, within the space of four weeks from the date of the notice.

Clause 3rd. Within such space of four weeks the appellant may file any grounds of objection which he has to such appeal, or which relate to that part of the decision which is involved in the respondent's appeal. At the expiration of the time allowed for filing such grounds of objection by the appellant, the record shall

be deemed complete, and the case ready to be called up for decision on any day which the Sudder Court shall notify for that purpose.

Clause 4th. If the appeal of either party be dismissed, or withdrawn, the appeal of the other may be heard alone; otherwise the two appeals, and the proceedings thereon, shall form one record, unless the Sudder Court shall otherwise order.

VIII. The respondent shall not be allowed to present a separate petition of appeal in the Sudder Court, if he shall previously have presented a petition of appeal to the lower Court.

IX. *Clause 1st.* All grounds of objection, which shall be filed by either the appellant or the respondent, shall be stated distinctly and concisely, without any argument or narrative of facts, and shall be numbered consecutively, and, except in the cases hereinafter mentioned, shall be on paper bearing the stamp duty prescribed by Section XIX. Regulation XIII. of 1816.

Clause 2nd. The Sudder Court may extend the time for filing grounds of objection, either by an appellant or respondent, upon special application for that purpose, and upon sufficient reasons being shown, to the satisfaction of the said Court, for such extension of time. In such case, the objections may be filed within such extended time.

X. Either party may, by leave of the Sudder Court, or any Judge thereof, at any time before the hearing, amend his grounds of objection, or add grounds of objection to those filed, upon such terms and conditions, and within such time as the said Court or Judge may order. The said Court may also, upon the hearing of any appeal, allow either party to amend his grounds of objection, or to add further grounds, or to urge, and be heard by himself or his pleader, in support of any objection not included in his grounds of objection, upon such terms and conditions as to postponement of the cause, and as to the payment of costs or otherwise, as the Court shall think just, to prevent the opposite party or his pleader from being taken by surprise, or otherwise. Without such leave of the Court, neither party shall be allowed to urge or to be heard in support of any objection not included in his grounds of objection filed. But the Court shall not be confined to such grounds of objection in deciding the cause.

XI. *Clause 1st.* The Sudder Court may call up for hearing and decision on any day the Court shall notify, and without regard to the place in which the case stands in the general list of appeals, any grounds of objection filed by the respondent, or the appellant, to the appeal of the opposite party; and the Sudder Court may hear and decide upon such grounds of objection, before calling the case up for decision upon the grounds of objection to the decision of the lower Court.

Clause 2nd. If the grounds of objection filed by the appellant and respondent shall be upon points of law only, and shall not raise any question of fact, the Sudder Court may order the case to be called up for hearing and decision on any day which the said Court shall notify, without regard to the place in which it stands in the general list of appeals pending in the said Court.

Clause 3rd. If the grounds of objection filed shall raise questions of law and fact, and it shall appear to the Sudder Court that the decision of the law may render it unnecessary to determine any question of fact so raised, the Court may order the case to be called up for decision upon the law alone in the first instance, in the manner pointed out in the last preceding Section; and if the decision of the case upon the law shall render it unnecessary to determine any question of fact, the said Court shall pass a final decision in the case; otherwise the Court shall determine the law only, and the case shall be afterwards set down in the list of regular appeals for hearing upon the question or questions of fact, and shall be determined in the same manner as any other regular appeal.

XII. If any party to a regular suit be desirous of being admitted to appeal *in formâ pauperis* to the Sudder Court, the following procedure shall be adopted:—

Clause 1st. The appellant shall present his petition to the lower Court according to the rules prescribed by Section I. of this Act, provided that a petition to appeal *in formâ pauperis* against any decision passed before this Act shall come into operation may be presented within three months from the day of the decision.

Clause 2nd. Petitions of appeal by parties desirous to appeal *in formâ pauperis* shall contain a statement to that effect, and also a Schedule of the whole real and personal property belonging to the petitioner, and the estimated value of such property, and shall be written on paper bearing the stamp duty of two Rupees per sheet.

Clause 3rd. Upon the presentation of such petition, the notice to the respondent and the proclamation shall state that the appellant desires to appeal *in formâ pauperis.*

Clause 4th. On arrival of the appeal record at the Sudder Court, the same procedure shall be adopted in that Court as in other cases of regular appeal, except that, after the filing of the grounds of objection by the appellant, and before notice shall be given requiring the respondent to file his grounds of objection, the Sudder Court shall determine, according to the rules now applicable to the determination of such cases, whether or not the appellant shall be allowed to appeal *in formâ pauperis.*

Clause 5th. If the Sudder Court allow the petitioner to appeal *in formâ pauperis*, notice shall be given to the respondent to file his grounds of objection in the manner provided by Section VI. of this Act, and the same procedure shall be adopted subsequently thereto as in other cases of regular appeal under this Act. The

rules and conditions now applicable to persons admitted by the Sudder Court to appeal *in formâ pauperis* shall continue in force, except where the same are inconsistent with any of the provisions of this Act.

Clause 6th. If the Sudder Court refuse to allow the petitioner to appeal *in formâ pauperis*, the said Court may make an order to the effect that the appellant, upon filing a petition of appeal in that Court upon paper bearing the stamp duty prescribed by Section XIII., and Clause 2, Section XXIII., Regulation XIII. of 1816, and upon re-filing his grounds of objection on paper bearing the stamp duty prescribed by Section XIX. and Clause 2, Section XXIII. of the same Regulation, may proceed with the appeal according to the rules prescribed by this Act in the case of persons not appealing as paupers.

Clause 7th. Upon such order being made, the appellant shall file his petition and re-file his objections upon paper stamped with the stamp duty required by Clause 6th of this Section, within two weeks from the date of such order, or within such further time as the said Court may allow for that purpose; otherwise the appeal shall stand dismissed.

Clause 8th. Upon the re-filing of the grounds of objection according to the provisions of the last preceding Clause, notice of the order and of the re-filing of such objections shall be given to the respondent in the manner prescribed by Section VI. of this Act, and the respondent shall be required to file his grounds of objection, if any, according to the provisions of that Section. The procedure subsequent to such notice shall be according to the general provisions of this Act.

Clause 9th. If an appellant shall petition to appeal *in formâ pauperis*, his grounds of objection may be written on plain paper.

XIII. If an appellant shall be admitted to appeal, or a respondent to defend *in formâ pauperis*, all grounds of objection subsequently filed by either party may be written on plain paper.

XIV. The provisions of this Act shall not apply to regular appeals preferred before the 1st day of May, 1855.

Act No. X. of 1855.

Passed on the 21st March, 1855.

An Act to amend the Law relating to the attendance and examination of witnesses in the Civil Courts of the East India Company in the Presidencies of Fort St. George and Bombay, and to amend the provisions of Section XL. Act XIX. of 1853.

Whereas it is expedient to amend the Law relating to the attendance and examination of witnesses in the Civil Courts of the East India Company in the Presi-

dencies of Fort St. George and Bombay, and to amend the provisions of Section XL. Act XIX. of 1853; It is enacted as follows:—

I. Section XXII. Regulation VII. of 1809, and Section VIII. Regulation XII. of 1809 of the Madras Code, and Section XL. Act XIX. of 1853, are hereby repealed.

II. If any party to a suit shall require the attendance of any other party thereto as a witness to be enforced, he shall, by himself or his pleader, make a special application to the Court for an order for a summons to compel the attendance of the party, and shall show to the satisfaction of the Court sufficient grounds in support of such application; otherwise a summons shall not be issued. In cases in which, according to the practice of the Court, a day is fixed for the trial, the application shall be made before such day shall be fixed.

III. The Court, upon the application of the pleader of any party to a suit whose attendance as witness is required, or without such application, if the Court think fit so to do, may, before making such order, cause notice to be given to the party or his pleader fixing a day for such party to show cause why he should not attend and give evidence, and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such purpose.

IV. *Clause* I. In support of the cause shown, the Court shall receive a declaration in writing of the party, if signed by him, and delivered into the Court by himself or his pleader.

Clause 2. If the party making such declaration shall wilfully and corruptly make any false statement therein, he shall be deemed guilty of perjury, and shall be proceeded against and upon conviction punished accordingly.

V. The Court need not compel the attendance of any party to a suit for the purpose of giving evidence therein, if such party shall satisfy the Court that he has no personal knowledge of any material subject of enquiry in the suit, and that he cannot give material evidence therein.

VI. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall cause a summons to be issued for compelling the party to attend and give evidence.

VII. No party to a suit, appeal, or proceeding, who shall offer himself as a witness therein, shall, without the consent of all parties thereto, be examined otherwise than in open Court, in such manner as the Court may direct, having regard to the usages and customs of the country, unless such examination shall be taken under, and subject to the Rules prescribed by Section XII. or XIV. of this Act.

VIII. If any witness, being a party to a suit, to whom any summons to give evidence or produce a document shall have been personally delivered, shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, the Court, instead of proceeding in the manner provided by the laws in force in the Presidency in respect of defaulting witnesses, may, if the witness be a plaintiff, appellant, or petitioner, dismiss the complaint, appeal or petition, with costs against such party, or if such party be a defendant or respondent, may hear and decide the case against such defendant or respondent *ex parte*. If any such complaint, appeal or petition shall be dismissed for such cause, the complainant or petitioner shall be debarred from preferring any other petition, appeal or complaint in respect of the same matter.

XI. It shall not be necessary to postpone the hearing or decision of a case for the non-production of a document, or for the evidence of a witness who may neglect or refuse to attend, or who shall abscond or keep out of the way, or who cannot be served with a summons, beyond such period as shall appear proper to the Court, having regard to all the circumstances of the case: provided that, when a summons shall have been issued for the attendance of a plaintiff or appellant in a suit to give evidence or produce a document, the Court shall, at the request of the defendant or respondent, unless there be good reason to the contrary, postpone the hearing or decision until the plaintiff or appellant can be personally summoned, or shall attend and give evidence or produce the document required; and that, where a summons shall have been issued for the attendance of a defendant or respondent to give evidence or produce a document, the hearing or decision shall, upon the application of the plaintiff or appellant, be postponed in like manner, unless there be good reason to the contrary, until the defendant or respondent can be personally summoned, or shall attend and give evidence, or produce the document required.

XII. In every regular or summary suit, appeal or proceeding in any of the Civil Courts of the East India Company, and also in every summary suit or other proceeding of a Civil nature before any Court, Officer, or other person having by law or consent of parties authority to examine witnesses, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. The evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily by question and answer, but in the form of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit or their vakeels, or such of them as may think fit to attend. In case the

witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer if there shall appear any special reason for doing so, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination. Provided that it shall not be necessary to take in writing the evidence of witnesses, in cases tried by District Moonsiffs in the said Presidency of Fort St. George when the claim shall not exceed 20 Rupees, or in cases tried by Village Moonsiffs in the same Presidency.

XIII. In cases where the evidence is needed of females, who, according to the custom of the country, ought not to be compelled to appear as witnesses in a Court of Justice, and in which the Court shall be of opinion that the ends of justice require and justify it, such Court may issue a commission to any Officer of the Court or other person, to be named in such commission, for the examination of such females in the hearing of the parties to the suit or their vakeels, in such manner as the Court may direct, having regard to the custom and usage of the country, and with liberty to the parties or their vakeels to cross-examine, anything in Section V. Act VII. of 1841 to the contrary notwithstanding.

XIV. Any party to a suit, appeal or proceeding, who may be examined as a witness therein, shall be examined according to the rules for the time being in force as to the examination of witnesses not being parties to the suit, and shall be punishable for any false evidence given by him, in the same manner as if he were not a party.

XV. The words " witness" and " witnesses" in Act VII. of 1841 shall respectively include any party or parties to a suit, and the said Act shall be read as if the words " or party" " or parties" had been used in such Act in conjunction with the words " witness" or " witnesses" respectively. Provided that the deposition of a party taken under the provisions of this Section, at the instance of any opposite party, may be read in evidence by, or on behalf of such last-mentioned party, without the proof required by Section V. of the said Act. Provided also that no deposition of any party taken under the provisions of this Section shall be read or used in evidence unless taken and read at the instance of some opposite party, or unless it shall be proved that the deponent is unable, from sickness or infirmity, to

attend to be personally examined, or is, without collusion or any reference to the suit, at so great a distance from the Court, that in the judgment of the Court, it would be unreasonable to require his personal attendance in Court for the purpose of giving such evidence, in which last-mentioned case it shall be discretionary with the Court, having regard to the nature of the case and of the evidence given, either to allow or to refuse such deposition to be read.

XVI. No appeal shall lie from any order or decision of a Judge with respect to summoning or examining any party to a suit, or as to allowing a deposition to be read under the Section next preceding.

XVII. If any party to a suit in any Civil Court of the East India Company in either of the said Presidencies, or in the Presidency of Fort William in Bengal shall, in any plaint, answer or other pleading, refer to any document in his possession or power, not being a shop book or book of account, as a material proof or document in support of his claim or defence, he shall file such document with such plaint, answer or other pleading, and no such plaint, answer or other pleading shall be received without such document, unless, upon good and sufficient cause shown, the Court shall excuse its non-production or enlarge the time for producing it; and any adverse party shall be entitled, by himself or his vakeel, to inspect and take a copy of the document.

XVIII. In the construction of this Act, unless where it is otherwise expressly provided, or there is something in the subject or context repugnant to such construction or which would render such construction inapplicable to the case, the word "Court" shall mean any Civil Court of the East India Company, and the word "Judge" shall include any officer or person having, by law or consent of parties, authority to examine witnesses and to act judicially; the word "suit", shall be deemed to mean and include any suit, appeal or proceeding; the word "witness" shall include all persons competent and liable to give evidence, whether parties to any suit or proceeding, or not. Words importing the masculine gender or singular number shall include the feminine gender or plural number, and *vice versâ*.

XIX. This Act shall come into operation on the 1st day of May 1855.

Act No. XV. of 1855.

Passed on the 27th March, 1855.

An Act to amend Regulation III. of 1833 of the Bombay Regulations.

Whereas the restriction of the appointment of Joint Police Officers, under Regulation III. of 1833 of the Bombay Code, to certain Towns has been found to be inconvenient; It is enacted as follows:—

I. It shall be competent to the Governor in Council of Bombay to appoint a Joint Police Officer or Officers to any district of that Presidency, under the provisions of

Regulation III. of 1833 ; and every Joint Police Officer so appointed shall be subject to all the provisions of Regulation III. of 1833, in the same manner as if the words "or districts" had been used in conjunction with the word "Towns" throughout that Regulation.

II. It shall be lawful for the Governor in Council to exempt any Joint Police Officer from the provisions of Sections II. and III. of the said Regulation.

ACT No. XVI. OF 1855.

Passed on the 27th March, 1855.

AN ACT to amend the Law in force in the Presidency of Bombay concerning the use of Badges.

WHEREAS it is expedient to amend the provision of the Bombay Code which prohibits the use of badges by persons not in the employ of Government; It is enacted as follows:—

I. Section VI. Chapter 3 Regulation XXIII. of 1827 of the Bombay Code is repealed.

II. No person, not being a servant of Government, shall wear any belt or badge intended to resemble any belt or badge worn by servants of Government, or any badge not bearing, in the characters of a language current in the district in which it is worn, the name or designation of the party by whom the wearer is employed.

III. Whoever commits, or is accessary to the commission of an offence under the preceeding Section shall, whether a British subject or not, be liable, on conviction before any person lawfully exercising the powers of a Magistrate or Justice of the Peace, within whose local jurisdiction the offence is committed, to a fine not exceeding one hundred Rupees.

ACT No. XIX OF 1855.

Passed on the 24th July, 1855.

AN ACT to amend the Law relating to District Moonsiffs in the Presidency of Fort St. George.

V. On a complaint made to a District Moonsiff, on oath or solemn affirmation, that any person within his jurisdiction has resisted any process of his Court, the District Moonsiff may summon such person to answer to the charge, and if the offence

be proved to his satisfaction, may adjudge the offender to pay a fine not exceeding Fifty Rupees, commutable to imprisonment for a term not exceeding one month in the Civil Jail, or in any place appointed by the Executive Government for the confinement of prisoners in civil cases.

Act No. XX of 1855.

Passed on the 24th July, 1855.

An Act for the establishment and maintenance of Boundary-marks in the Presidency of Fort St. George.

Whereas it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of land assessed to, or exempted from the public revenue in the Presidency of Fort St. George, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields, holdings, estates, and villages; It is enacted as follows:—

I. It shall be lawful within the said Presidency for a Collector of Land Revenue, or person exercising the powers of Collector, or any Revenue Officer appointed by the Government for the purpose, to fix the boundaries of fields, holdings, estates, or villages, and to require that marks be formed and maintained by the owners or occupants on the boundaries, of such materials, and in such number and manner as may appear to such Officer sufficient for distinguishing the limits of such fields, holdings, estates, or villages, whenever he may be of opinion that such demarcation is necessary for the prevention or adjustment of disputes.

II. Notices shall be served on the persons owning or occupying the conterminous fields, holdings, estates, or villages, requiring them to form or repair such boundary-marks within ten days from the date of the notice, and in the event of these persons not being found in their village, the said requisition shall be posted in a conspicuous place in the village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the said notice.

III. In default of the owners or occupants of the fields, holdings, estates, or villages complying with such requisition, the said Officer may give directions for the erection and repair of such boundary-marks, the cost of which shall be equitably apportioned on the fields, holdings, estates, or villages which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, holdings, estates, or villages, and shall be levied in the same manner as arrears of land revenue.

IV. In the case of unoccupied fields, the cost shall be charged to Government.

V. Any person convicted before a Magistrate of wilfully, and without lawful excuse, erasing, removing, or injuring such boundary-marks, or any survey-marks set up by an Officer of Government, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed, or injured, one-half of which fine may be awarded to the informer, and the other half shall be chargeable with the cost of restoring the mark. Whenever it may not be possible to detect the person who erased, removed, or injured such boundary or survey-marks, the Collector or other Revenue Officer aforesaid may give directions for the restoration or repair of such marks, and may order the cost thereof to be charged to the owners or occupants of the adjacent lands, or apportioned among the ryots of the village in proportion to their pottahs, as he may consider just and equitable, and to be levied in the same manner as arrears of land revenue.

VI. Any person objecting to a boundary proposed to be fixed under Section I, may prefer a complaint to the Collector or other Revenue Officer, who shall dispose of the same in the manner prescribed by Regulation XII of 1816.

VII. Any occupant or owner of land refusing or failing to attend, when summoned by the Collector or other Revenue Officer, at the measurement and demarcation of his field, holding, or estate, or of the village boundary, shall be liable, by order of the Collector or other such Officer, to a fine not exceeding Fifty Rupees, to be levied by the same process as an arrear of land revenue.

VIII. The proceedings of Officers imposing charges under Sections III and V, or fines under Section VII of this Act, shall be recorded in writing, and shall be subject to appeal to the Revenue authorities to whom they are subordinate.

ACT No. XXXIII OF 1855.

Passed on the 7th December, 1855.

AN ACT to prohibit the exportation of Saltpetre, except in British vessels bound to the Ports of London or Liverpool.

WHEREAS it is expedient that, during the continuance of hostilities between the Allied Powers and the Emperor of Russia, the exportation of Saltpetre from India, except in British vessels bound to the Port of London or to the Port of Liverpool, should be prohibited; It is enacted as follows:—

I. Until the Governor General of India in Council shall otherwise order, it shall not be lawful for any person to export Saltpetre from any part of the Territories in the possession and under the Government of the East India Company, except in a British vessel bound either to the Port of London or to the Port of Liverpool.

II. If any person shall attempt to export Saltpetre contrary to the provisions of this Act, the same shall be seized and confiscated.

III. Every person who shall export or attempt to export Saltpetre contrary to the provisions of this Act, or who shall aid or assist in such exportation or attempt, shall, upon conviction before a Magistrate or a Justice of the Peace, be subject to a fine not exceeding the rate of 200 Rupees for every ton of Saltpetre so exported or attempted to be exported.

IV. No Collector or other Officer of Customs shall, on or after the 17th day of November 1855, grant a pass or permit for the exportation or shipment for exportation of Saltpetre from any part of the said Territories, except in a British vessel bound for the Port of London or for the Port of Liverpool; and every Collector and other Officer of Customs is hereby indemnified for any thing heretofore done or hereafter to be done according to the provisions of this Act.

V. Nothing in this Act shall extend to any Saltpetre shipped prior to the 17th day of November 1855, nor to any Saltpetre for the exportation or shipment for exportation whereof, otherwise than according to this Act, a permit or pass was granted on or before that day.

VI. Any Custom House Officer may without warrant seize Saltpetre liable to confiscation under this Act.

VII. If any Saltpetre shall be seized as liable to confiscation, the Collector of Customs shall investigate the case, and, according to his judgment, shall either release the same or adjudge it to confiscation; and whenever he shall declare the same to be confiscated, he shall report his proceeding for confirmation and final adjudication to the superior Revenue authorities.

VIII. Any person, whether a European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine, shall be punishable for such offence by any Justice of the Peace, Magistrate, or person lawfully exercising the powers of a Magistrate; and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

ACT No. XXXVI OF 1855.

Passed on the 21st December, 1855.

AN ACT to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North-Western Provinces.

IV. A forcible entry under the last preceding Section shall only be made in accordance with the rules and precautions prescribed by Regulation XX of 1817, and by Section X Regulation V of 1800 (for the Benares Province,) and Section XIX Regulation XXVIII of 1803 (for the Ceded and Conquered Provinces,) for breaking into a house for execution of process of distraint. Provided, however, that the responsibility for the act, and the determination whether to force an entry or not, shall rest with the Officer of Customs or Land Revenue only.

ACT No. XXXVII OF 1855.

Passed on the 22nd December, 1855.

AN ACT to remove from the operation of the General Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an Officer to be specially appointed for that purpose.

SCHEDULE.

BHAUGULPORE.

Pergunnah Bhaugulpore,	(So much of it as is embraced within the Police jurisdictions of Colgong and Pursa.)
" Bahaderpore.	
" Chetowleeah.	
" Colgong,	(So much of it as lies to the East of the Gerooa Nullah and to the South of the River Ganges.)
" Godda.	
" Hendwa.	
" Jamoonee.	
" Kankjole.	
" Pussye.	
" Sooltanabad.	
" Teleeagurhee.	
" Umber.	
" Akbernuggur.	

Pergunnah Huzzar Tukkee.
" Inayutnuggur.
" Mukraeen.
" Sooltangunj.
" Umloo Moteea.
Tuppeh Belputta.
" Muneeharee.
The Damun-i-Koh,.....Including the Rajmahal Hills.

BEERBHOOM.

Pergunnah Dureen Molisser, (Northern portion.)
Tuppeh Kundit Kurayeh.
" Mohumdabad.
Pergunnah Nonee.
" Pubbia.
Tuppeh Saruth Deoghur.
Pergunnah Mullarpore.
" Hurripore.
" Hookmapore,...(So much of it as lies North of the River More.)
Such portions of Pergunnahs appertaining to Purneah, Malda, and Moorshedabad, as lie on the right bank of the Ganges above the village of Downapore, in the Bhaugulpore Pergunnah of Kankjole.

Act No. XXXVIII. of 1855.

Passed on the 22nd December, 1855.

An Act to provide for the trial and punishment of rebellion and other offences committed within certain Districts in which Martial Law has lately been proclaimed.

Whereas it is expedient to provide for the more speedy trial of persons charged with offences against the State and other heinous crimes committed within the District of Beerbhoom, and certain parts of the several Districts of Bhaugulpore and Moorshedabad respectively, and for the punishment of such crimes: It is enacted as follows:—

I. *Clause* 1.—It shall be lawful for the Lieutenant-Governor of Bengal from time to time as he may think fit to issue a special Commission for the trial of all persons owing allegiance to the British Government, either in consequence of their having been born within any part of the British Territories, or of their being resident therein and under the protection of the British Government, who shall be

charged with having committed, either before or after the passing of this Act, within the District of Beerbhoom, or so much of the District of Bhaugulpore as lies on the right bank of the River Ganges, or so much of the District of Moorshedabad as lies on the right bank of the River Bhaugiruttee, the crime of treason or rebellion, or of opposing by force of arms the authority of the British Government, or any other crime against the State, or of the crime of murder, arson, robbery, or other heinous crime against person or property.

Clause 2.—The Commissioner or Commissioners authorized by any such Commission may hold a Court in any part of the said District or parts of Districts mentioned in this Section, and may there try any person for any of the said crimes committed within any part thereof.

II. It shall be lawful for the said Lieutenant-Governor by the said Commission to direct that any Court held under the Commission shall have power, without the attendance or futwa of a law Officer or the assistance of assessors, to pass upon any person convicted before the Court of any of the aforesaid crimes, any sentence warranted by Law for such crime, and that the judgments of such Court shall be final and conclusive, and that the said Court shall not be subordinate or bound to report its proceedings to the Sudder Court.

III. No sentence of death passed by such Court shall be carried into effect without the sanction of the Lieutenant-Governor of Bengal.

IV. If any such Commission be issued, a Magistrate or other Officer having power to commit for trial, may commit any person charged with any of the aforesaid crimes, within the District or parts of Districts described in Section I of this Act, to take his trial before a Court to be held under this Act.

V. And whereas it is necessary for the due maintenance of the just authority of Government, that persons convicted of the crime of treason or rebellion should be liable to capital punishment, it is further enacted as follows :—All persons who, after the promulgation of this Act, shall be guilty of treason or rebellion within the District or parts of Districts described in Section I of this Act, shall be liable, upon conviction either before the ordinary Criminal Courts of competent jurisdiction or before a Court held under the provision of Act No. V of 1841 or of this Act, to the punishment of death, or to the punishment of imprisonment with labor and irons in transportation for life, or to imprisonment with hard labor, not commutable to fine, for any term not exceeding fourteen years, and shall forfeit all their property and effects of every description.

VI. All persons who, before the promulgation of this Act, shall have been guilty of the crime of treason or rebellion within the said District or parts of Districts shall, upon conviction before the ordinary Criminal Courts of competent juris-

diction, or before a Court held under the provision of Act No. V of 1841, or of this Act be liable to the punishment of imprisonment with labor and irons in transportation for life, or to imprisonment with hard labor, not commutable to fine for any term not exceeding fourteen years.

VII. Any person liable to imprisonment with hard labor under this Act, may be imprisoned and kept to hard labor in any part of the territories under the Government of the Lieutenant-Governor of Bengal which the said Lieutenant-Governor may direct, or in any part of the territories in the possession and under the Government of the East India Company, not being part of either of the Presidencies of Madras or Bombay, which the Lieutenant-Governor of Bengal, with the consent of the Governor General of India in Council, may direct.

VIII. Nothing in this Act shall extend to the trial or punishment of any of Her Majesty's natural born subjects born in Europe, or the children of such subjects.

IX. Whenever the Lieutenant-Governor shall deem it necessary for the public safety, it shall be lawful for him to declare, by proclamation, that from and after a day to be named therein, it shall not be lawful for any person, or for any specified class of persons, to carry or have in their possession any arms or instrument used for war-like purposes, or any specified description of arms, or of such instrument, as aforesaid, within the District or parts of Districts above-mentioned, or any part thereof, to be specified in the proclamation.

X. After the day named in the proclamation, whoever shall carry or have in his possession any arms or other such instrument as aforesaid contrary to the proclamation, shall be liable, on conviction before a Magistrate, to a fine not exceeding Fifty Rupees, or to imprisonment for a period not exceeding six months; and the arms or other such instrument shall be confiscated.

XI. It shall be lawful for a Magistrate by warrant to cause search to be made in any house or other place in which there may be reasonable grounds for suspecting that any arms, or other such instrument as aforesaid, kept contrary to the proclamation, may be found; and any such arms or instrument may be seized and confiscated.

XII. Nothing in Sections IX, X, and XI of this Act shall extend to any person who may be exempted by the authority of the Executive Government from the prohibition contained in such proclamation.

XIII. The word "Magistrate" in this Act shall, unless there be something in the subject or context repugnant to such construction, include any person lawfully exercising the powers of a Magistrate and a Justice of the Peace; and any person hereby made punishable by a Justice of the Peace shall be punishable upon summary conviction.

XIV. The Lieutenant-Governor of Bengal may commute any sentence of death passed under the provisions of Regulation X of 1804 of the Bengal Code or of this Act, in respect of any crime committed within the District or parts of Districts described in Section I of this Act, either for imprisonment with hard labor and irons in transportation for life, or for imprisonment with hard labor for any term not exceeding fourteen years.

XV. The provisions of this Act shall continue in force until the 31st day of December 1858.

ACT No. I OF 1856.

Passed on the 21st January, 1856.

AN ACT to prevent the Sale or Exposure of obscene Books and Pictures.

WHEREAS the practice of offering for sale or exposing to public view obscene books and pictures encourages immorality, and it is expedient to make provision for the prevention of such practice: It is enacted as follows:—

I. Whoever, within the territories in the possession and under the Government of the East India Company, in any shop, bazar, street, thoroughfare, high-road, or other place of public resort, distributes, sells, or offers, or exposes for sale, or wilfully exhibits to public view, any obscene book, paper, print, drawing, painting, or representation; or sings, recites, or utters any obscene song, ballad, or words, to the annoyance of others; shall, upon conviction, as hereinafter provided, before a Magistrate, be liable to a fine not exceeding 100 rupees, or to imprisonment, with or without hard labor, for a period not exceeding three months, or to both.

II. It shall be lawful for any person whatsoever to apprehend any person found committing any of the above-named offences, and forthwith to deliver him to a Police Officer of the place where he shall have been apprehended, to be taken before any Magistrate having jurisdiction in such place; and it shall be the duty of every Police Officer to use his best endeavours to apprehend and to convey before a Magistrate any person that he shall find so offending, together with such obscene books, papers, prints, drawings, paintings, and representations, as may be found with such person.

III. Upon information given or charge preferred, upon oath or solemn affirmation, a Magistrate, within whose jurisdiction the offence may have been committed, may issue a summons for the appearance, or a warrant for the apprehension, of any person accused of any of the offences enumerated in Section I, and such Magistrate shall proceed under the rules of the general law to hear and determine the case. Provided that it shall not be necessary to require the presentation of a complaint

in writing, nor to require the attendance of any complainant, any thing contained in Section VI Regulation IX of 1807 of the Bengal Code, or in Section XV of Regulation IX of 1816 of the Madras Code, or any other law, to the contrary notwithstanding.

IV. Every Magistrate is required to destroy, or cause to be destroyed, all such obscene books, papers, prints, drawings, paintings, or representations as may come within his power or control.

V. After the passing of this Act, it shall not be lawful for any person to import into any part of the aforesaid territories any obscene book, print, or picture; and every such book, print, or picture shall be forfeited and shall be seized by any Officer of Customs, and the same shall be destroyed by such Officer.

VI. All orders or sentences passed under this Act shall be appealable in the usual manner under the Regulations and Laws that are or may be in force relating to appeals from the orders of Magistrates or other Officers exercising the powers of a Magistrate.

VII. Nothing contained in this Act shall apply to any representation sculptured, engraved, or painted, on or in any temple, or on any car used for the conveyance of idols.

VIII. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari;* and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in such depositions.

IX. The following words in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

The word "Magistrate" shall include Joint Magistrates and persons lawfully exercising the powers of a Magistrate and Justices of the Peace.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

ACT No. II OF 1856.

Passed on the 4th February, 1856.

AN ACT to enable Magistrates and certain other Officers to take cognizance of certain offences without requiring a written complaint.

WHEREAS it is expedient to enable Magistrates and certain other Officers to take cognizance of all offences which affect the public, without requiring a complaint in writing or the attendance of a complainant: It is enacted as follows:—

I. So much of Section V Regulation IX. 1793, of Section V Regulation VI. 1803, of Section VI Regulation IX. 1807, of the Bengal Code, and so much of Section XV Regulation IX. 1816 of the Madras Code, and so much of any other enactment, as require a complaint in writing to be preferred to a Magistrate, or the attendance of a complainant, shall not apply to any offence which affects the public.

II. A Magistrate or other Officer having jurisdiction over such offence may, on the information of a Police Officer or other person, to be given on oath or affirmation, or on his own personal knowledge, (having first recorded the grounds thereof in his own hand writing), proceed against any person for such offence, in the same manner as if a complaint in writing had been preferred and duly deposed to.

III. All proceedings under this Act shall be subject to the like appeal as other proceedings of such Magistrates and Officers.

ACT No. IV OF 1856.

Passed on the 8th February, 1856.

AN ACT to prevent the malicious or wanton destruction of Cattle.

WHEREAS it is expedient to make provision for the apprehension and punishment of persons who maliciously or wantonly destroy cattle: It is enacted as follows:—

I. Within the territories under the Presidency of Fort William in Bengal, whoever is charged with maliciously or wantonly causing the death of any cattle, the property of another, may be proceeded against in the mode prescribed in Section XXV., Regulation XX. 1817 of the Bengal Code, for proceeding against persons charged with a heinous offence, and shall, on conviction before a Magistrate or other officer exercising the powers of a Magistrate, be liable to imprisonment with hard labor for any period not exceeding three years, or at the discretion of the said Magistrate, may be committed for trial before the Sessions Judge, and, on conviction, shall be liable to imprisonment with hard labor for any period not exceeding nine years.

II. The provisions of Act XVI. of 1850 shall be applicable to persons convicted of offences under this Act.

Act No. V of 1856.

Passed on the 22nd February, 1856.

An Act to give effect to Act XXIII of 1854 from the time of its promulgation in the District of Malabar, and to extend the application thereof in future.

Whereas, by a proclamation published in the *Fort St. George Gazette* under date the 18th September 1855, the Governor in Council of Fort St. George declared the whole of the District of Malabar to be subject to the operation of all the provisions of Act XXIII of 1854; and whereas long prior to such publication, namely before the 1st of March 1855, the said Act had been published and promulgated throughout the District of Malabar, and was believed by the class of persons therein described as Moplas, and by all other classes of the inhabitants, to be immediately operative; and it is expedient that the said Act should have effect according to the general belief and understading in that respect; and whereas it is expedient to extend the application of the said Act: It is hereby enacted as follows:—

I. Act XXIII of 1854 shall be deemed to have been in force for all purposes from the 1st March 1855, in the same manner as if the said proclamation had been published on that date.

II. From and after the passing of this Act, the provisions of Act XXIII of 1854 shall apply to any Mopla who murders or attempts to murder any person; and to any Mopla who takes part in any outrage directed by Moplas against any person, wherein murder is committed or attempted to be committed or is likely to be committed, and to any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same, or who, after having committed or having been accessary to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him, or who shall join or assist, or incite or encourage other persons to join or assist in such resistance.

III. The said Act XXIII of 1854 and this Act shall be read and construed together as one Act.

Act No. VI of 1856.

Passed on the 28th February, 1856.

An Act for granting exclusive privileges to Inventors.

Whereas it is expedient, for the encouragement of Inventors of new manufactures, that certain exclusive privileges in their inventions should be granted to them in India: It is enacted as follows:—

I. The inventor of any new manufacture may petition the Governor General of India in Council for leave to file a specification thereof. Every such petition

shall be in writing in the form or to the effect mentioned in the Schedule hereunto annexed, and shall be signed by the petitioner, or, in case the petitioner shall be absent from India, by an authorized agent, and shall state the name, addition, and place of residence of petitioner, and the nature of the invention.

II. Upon such petition, the Governor General of India in Council may make an order authorizing the petitioner to file a specification of the invention.

III. Before making such order, the Governor General of India in Council may refer the petition to any person or persons for enquiry and report, and such person or persons shall be entitled to a reasonable fee for such enquiry and report to be paid by the petitioner; the amount of such fee, in case of dispute, to be settled by a Judge of one of Her Majesty's Courts of Judicature in a summary manner.

IV. If, within the space of six calendar months from the date of such order, the petitioner cause a specification of his invention to be filed in manner hereinafter-mentioned, the petitioner, his executors, administrators, or assigns, shall be entitled to the sole and exclusive privilege of making, selling, and using the said invention in India, and of authorizing others so to do for the term of 14 years from the time of filing such specification and for such further term, if any, not exceeding 14 years from the expiration of the first 14 years, as the Governor General of India in Council may think fit to direct, upon petition to be presented by such inventor, at any period not more than one year, and not less than six calendar months, before the expiration of the exclusive privilege hereby granted.

V. An order authorizing the filing of a specification, or for extending the term of such exclusive privilege as aforesaid, may be made subject to any such conditions and restrictions as the Governor General of India in Council may think expedient.

VI. Every specification of an invention filed under this Act, shall be in writing, and shall be signed by the petitioner, and shall particularly describe and ascertain the nature of the said invention and in what manner the same is to be performed.

VII. Every petition for leave to file a specification and every specification filed under this Act shall be left with the Secretary to the Government of India in the Home Department, and every petition and specification shall be accompanied by a declaration in writing signed by the petitioner in the form or to the effect mentioned in the Schedule hereunto annexed, marked A and B respectively; and if the inventor be absent from India, the petition and specification shall also be accompanied by a declaration signed by the agent who shall present or file the same, to the effect that he verily believes that the declaration purporting to be the declaration of the inventor, was signed by him, and that the contents thereof are true, which declaration shall be in the form hereunto annexed, marked C. The date of

the delivery of every such petition and specification shall be endorsed on the same respectively, and shall also be recorded at the Office of the said Secretary.

VIII. If any person, who shall make a declaration under this Act, shall wilfully and corruptly make any false statement therein, he shall be deemed guilty of perjury, and shall be proceeded against and upon conviction punished accordingly.

IX. No specification shall be filed until the petitioner shall have paid all fees payable under this Act, including the fees, if any, of the person or persons to whom the petition shall have been referred for inquiry and report.

X. At the time of delivering the specification for the purpose of being filed, the petitioner shall cause to be delivered to the said Secretary five copies thereof, of which

One shall be sent to and filed by one of the Secretaries to the Government of Bengal,

One shall be sent to and filed by one of the Secretaries to the Government of Fort St. George,

One shall be sent to and filed by one of the Secretaries to the Government of Bombay, and

One shall be sent to and filed by one of the Secretaries to the Government of the North-Western Provinces.

A copy of such specification shall be open at all reasonable times at the Office of each of the said Secretaries to public inspection upon payment of a fee of one Rupee.

XI. A book shall be kept in the office of the said Secretary to the Government of India wherein shall be entered and recorded every such petition and specification and every order made upon such petition or relating to the invention therein mentioned. Every specification shall be numbered according to the order in which it is entered in such book; and a reference shall be made in such book, in the margin of the entry of each specification, to every order relating to the invention.

XII. Such book, or a copy thereof, shall be open at all convenient times for the inspection of any person upon payment of a fee of one Rupee; and the said Secretary shall cause a copy of any entry therein, certified under his hand, to be given to any person requiring the same, on payment of the expense of copying.

XIII. Every such certified copy shall be *primâ facie* evidence of the document of which it purports to be a copy.

XIV. No person shall be entitled to any exclusive privilege under the provisions of this Act—

If the invention, at the time of presenting the petition for leave to file the specification, was not a new invention;

If the petitioner is not the inventor thereof, or

If the specification filed does not particularly describe and ascertain the nature of the invention and in what manner the same is to be performed.

XV. Every exclusive privilege under this Act shall cease if the Governor General of India in Council shall declare that the same, or the mode in which it is exercised, is mischievous to the State, or generally prejudicial to the public; or if a breach of any special condition on which the petitioner shall be authorized to file a specification, or upon which the term of the exclusive privilege shall be extended, shall be proved to the satisfaction of any of Her Majesty's Courts of Judicature, and if the Governor General of India shall thereupon declare that such exclusive privilege shall cease.

XVI. The importer into India of a new invention shall be deemed an inventor within the meaning of this Act. Provided that the exclusive privilege under this Act shall cease unless he or his executors, administrators, or assigns shall, within two years from the date of the petition, put his invention into practice in India, and shall either continue to use the same or grant licenses upon reasonable terms to such persons as shall be willing to put the same into practice.

XVII. A foreigner, whether resident abroad or not, may petition for leave to file a specification under this Act.

XVIII. An invention shall be deemed a new invention within the meaning of this Act, if it shall not, before the time of applying for leave to file the specification, have been publicly used in India or been made publicly known there by means of a printed publication. The public use or knowledge of an invention prior to the application for leave to file a specification, shall not be deemed a public use or knowledge within the meaning of this Section if the knowledge shall have been obtained surreptitiously or in fraud of the actual inventor or shall have been communicated to the public in fraud of the actual inventor or in breach of confidence. Provided the inventor shall, within six calendar months after the cammencement of such public use, apply for leave to file his specification and shall not previously have acquiesced in such public use. Provided also, that the use of an invention in public by the actual inventor thereof or by his servants or agents, or by any other person by his license in writing, shall not be deemed a public use thereof within the meaning of this Act.

XIX. If an actual inventor who, prior to the time of applying for leave to file a specification of an invention under this Act, shall have obtained Her Majesty's Letters Patent for the exclusive use of such invention, in any part of the United Kingdom, shall, within twelve calendar months from the passing of this Act, or within six calendar months from the date of such Letters Patent, petition the Go-

vernor General of India in Council for leave to file a specification of such invention, the invention shall be deemed a new invention within the meaning of this Act, if it was not publicly known or used in India at the date of the petition for such Letters Patent, notwithstanding it may have been publicly known or used in India before the time of his petitioning, under this Act, for leave to file the specification; and if the actual inventor shall obtain an exclusive privilege under this Act, in respect of such invention, any exclusive privilege previously obtained by an importer of such invention shall thereupon cease. Provided the petition for leave to file the specification shall state that such Letters Patent have been granted, and shall also state the date thereof and the term during which the same are to continue in force.

XX. No exclusive privilege obtained under this Act shall entitle the owner of such privilege to exclude any person from using the invention, who, prior to the 7th day of July 1855, used the same in India.

XXI. An action may be maintained by an inventor against any person who, during the continuance of any exclusive privilege granted by this Act, shall, without the license of the said inventor, make, use, sell, or put in practice the said invention, or who shall counterfeit or imitate the same. Provided that no such action shall be maintained in any of the Courts of the East India Company other than the principal Court of original jurisdiction in civil cases within the local limits of whose jurisdiction the cause of action shall accrue or the defendant shall reside as a fixed inhabitant.

XXII. No such action shall be defended upon the ground of any defect or insufficiency of the specification of the invention, nor shall any such action be defended upon the ground of a misdescription of the invention in the petition; nor upon the ground that the plaintiff was not the inventor, unless the defendant shall show that he is the actual inventor or derives title from him. Any such action may be defended upon the ground that the invention was not new, if the person making the defence, or some person through whom he claims, shall, before the date of the petition for leave to file the specification, have publicly or actually used in India the invention, or that part of it of which the infringement shall be proved; but not otherwise.

XXIII. It shall be lawful for any person to apply by motion to any of Her Majesty's Courts of judicature for a rule to show cause why the Court should not declare that an exclusive privilege in respect of an invention has not been acquired under the provisions of this Act by reason of all or any of the objections following (to be specified in the rule), that is to say—

That the said invention was not, at the time of presenting the petition for leave to file the specification, a new invention, or

That the petitioner was not the inventor thereof, and, in addition thereto, either that the applicant was the inventor or that the inventor has dedicated or made known the invention to the public or has acquiesced in the public use thereof, or

That the specification filed does not particularly describe and ascertain the nature of the invention or in what manner the same is to be performed, or

That the petitioner has fraudulently included in the petition or specification as part of his invention something which was not new or whereof he was not the inventor, or

That the petitioner has wilfully made a false statement in his petition, or

That some part of the invention, or the manner in which that part is to be performed as described in the said specification, is not thereby sufficiently described and ascertained, and that such defect or insufficiency was fraudulent, and is injurious to the public.

XXIV. Any person may, in like manner, apply to any of Her Majesty's Courts of Judicature for a rule to show cause why the Court should not declare that an exclusive privilege has not been acquired under the provisions of this Act in any part of the invention to be specified in the rule by reason of all or any of the objections following (to be specified in the rule,) that is to say—

That such part of the invention was not new at the date of the petition for leave to file the specification.

That the petitioner was not the inventor of that part of the invention, and, in addition thereto, either that the applicant was the inventor of that part or that the inventor has dedicated or made known the same to the public or has acquiesced in the public use thereof, or

That that part of the invention, and the manner in which it is to be performed, is not sufficiently described and ascertained in the specification, and that such defect or insufficiency is injurious to the public.

XXV. It shall be lawful for the Advocate General of East India Company at any of the Presidencies of Fort William in Bengal, Fort St. George, and Bombay, or any other person, by order of the Governor General in Council, to apply to any of the said Courts of Judicature for a rule calling upon the petitioner, his executors, administrators, or assigns, to show cause why the question of the breach of any special condition upon which the leave to file a specification has been granted, or any other question of fact on which the revocation of the exclusive privilege by the Governor General in Council under the power hereinbefore reserved may, in the judgment of the said Governor General in Council, depend, should not be tried in the form of an issue directed by the said Court; and if the rule be made absolute, the Court unless the breach or other matter of fact be admitted, may thereupon

direct such issue to be tried, and certify the result of such trial to the Governor General in Council. The costs of such trial, and also the costs of any proceedings in any of the said Courts of Judicature under the provisions of this Act, shall be in the discretion of the Court.

XXVI. Notice of any rule obtained or proceeding taken under either of the last three preceding Sections shall be served on all persons appearing to be proprietors or to have shares or interests in the exclusive privilege under the provisions of Section XXXIV of this Act, and it shall not be necessary to serve such notice on any other persons.

XXVII. Any of the said Courts of Judicature, if it think fit, may direct an issue for the trial, before the same Court or any other Court of Her Majesty or any principal Court of original jurisdiction in civil cases of the East India Company, of any question of fact arising upon an application under Section XXIII, XXIV, or XXV of this Act, and such issue shall be tried accordingly, in a summary manner and, if the issue be directed to another Court, the finding shall be certified by the Court before which the same was tried, to the Court directing the issue. If the issue be directed to any of Her Majesty's Courts of Judicature, the Court by which the issue is tried may, before the finding is certified, direct a new trial of such issue according to the usual course and practice of such Court. If the issue be directed to a Court of the East India Company, the finding shall not be subject to appeal to any other Court of the said Company, but the evidence taken upon the trial shall be recorded, and a copy thereof, certified by the Judge, shall be transmitted, together with any remarks he may think fit to make thereon, to the Court by which the issue was directed; and such Court may either act upon the decision of the Court which tried the issue, or direct a new trial if it shall appear necessary.

XXVIII. If it shall appear to any of the said Courts of Judicature at the hearing of any application under the provisions of Section XXIII or XXIV of this Act, that by reason of any of the objections therein mentioned, the said exclusive privilege in the invention or in any part thereof has not been acquired, the Court shall give judgment accordingly, and shall make such order as to the costs of and consequent upon the application as it may think just; and thereupon the petitioner, his executors, administrators and assigns, shall, so long as the judgment continues in force, cease to be entitled to such exclusive privilege.

XXIX. If the Court, at the hearing of any such application as last aforesaid shall think that the petitioner has, in the description of his invention in the petition or specification, included something which at the date of the petition was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, but that the error, defect, or insufficiency was not

fraudulently intended, the Court may adjudge the said exclusive privilege to have been acquired and to be valid save as to the part thereof affected by such error, defect, or insufficiency, or, if the Court shall think that the error, defect, or insufficiency can be amended without injury to the public, they may adjudge the exclusive privilege in the whole of the invention to be valid, and may, upon such terms as shall appear reasonable, order the specification to be amended in any of the said particulars; and thereupon the petitioner, his executors, administrators, or assigns, shall, within the time limited by the said Court for the purpose, file a specification amended according to such order.

XXX. An exclusive privilege shall not be defeated upon the ground that there is any misdescription of the invention in the petition, unless such misdescription was fraudulent.

XXXI. Whenever it shall be adjudged by any of the said Courts of Judicature that an exclusive privilege as to the whole or any part of an invention has not been acquired, the said Secretary to the Government of India shall, upon the production of the judgment or order, cause an entry thereof to be made in the said book, hereinbefore directed to be kept, and shall cause a reference to such entry to be made in the margin of the entry of the specification contained in such book.

XXXII. If, upon proceedings instituted within two years from the date of a petition to file a specification, the actual inventor shall prove to the satisfaction of any of Her Majesty's Courts of Judicature or of the principal Court of the East India Company having jurisdiction in Civil cases within the local limits of whose jurisdiction the defendant shall reside as a fixed inhabitant, that the petitioner was not the actual inventor, and that at the time of the petition, he knew or had good reason to believe that the knowledge of the invention was obtained by himself or by some other person surreptitiously or in fraud of the actual inventor, or by means of a communication made in confidence by the actual inventor to him or to any person through whom he derived such knowledge, the Court may compel the petitioner to assign to the actual inventor any exclusive privilege obtained under this Act, and to account for and pay over the profits thereof.

XXXIII. In any action for the infringement of such exclusive privilege the plaintiff shall deliver with his plaint particulars of the breaches complained of in the said action, and the defendant, in pleading thereto, shall deliver with his pleas particulars of the grounds (if any) upon which he means to contend that the plaintiff is not entitled to an exclusive privilege in the invention. In like manner, upon any application to any of the said Courts of Judicature under Section XXIII, XXIV, or XXV of this Act, the applicant shall deliver particulars of the objections on which he means to rely. At the trial of any such action or issue, no evidence shall be

allowed to be given in support of any alleged infringement, or of any objection impeaching the validity of such exclusive privilege which shall not be contained in the particulars delivered as aforesaid. If it be alleged that the invention was publicly known or used prior to the date of the petition for leave to file such specification, the places where, and the manner in which the invention was so publicly known or used, shall be stated in such particulars. Provided, always, that it shall be lawful for any Court in which the action or proceeding is pending, or in which the issue is tried, to allow the plaintiff or defendant respectively to amend the particulars delivered as aforesaid upon such terms as shall seem fit.

XXXIV. A book shall be kept in the Office of the Secretary to the Government of India in the Home Department (such book to be open to inspection without fee) wherein every person filing a specification under this Act shall cause to be stated, under a number corresponding with the number of the specification, some place in India where service of any rule or proceedings for the purpose of cancelling or revoking his exclusive privilege may be made. All persons, partnerships, or Companies, from time to time being proprietors of, or having shares or interests in, such exclusive privilege, shall cause to be entered in such book, under such number as aforesaid, their names, together with the name of some place for the service of such proceedings as aforesaid. All such rules and proceedings as aforesaid shall be deemed sufficiently served on any such person, partnership, or Company if a copy thereof be left at the place entered in such book, or (if any other place be substituted for the same by entry in the said book) at the place last substituted, by delivering the same to any person resident at, or in charge of, such place; or, if there be no person resident at, or in charge of, such place, or if such place be not within the local limits of the jurisdiction of the Court, by causing such rule or proceeding to be sent by Post by a registered letter directed to such person, partnership, or Company at such place; and if any such person, partnership, or Company shall neglect to make or cause to be made such entry, then service of such rule or proceeding may be effected by affixing a copy thereof to some conspicuous part of the Court house or in such other manner as the Court may direct.

XXXV. Nothing herein contained shall abridge or affect the prerogative of the Crown in relation to the granting or withholding the grant of any Letters Patent for inventions or otherwise, or affect or interfere with any Letters Patent for an invention heretofore granted or hereafter to be granted by the Crown.

XXXVI. Every petition for leave to file a specification under the provisions of this Act, or for the extension of the term of an exclusive privilege, shall be written or printed on stamped paper of the value of 100 Rupees.

XXXVII. In the construction of this Act, the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

The word "invention" shall include an improvement.

The word "manufacture" shall be deemed to include any art, process, or manner of producing, preparing, or making an article, and also any article prepared or produced by manufacture.

The word "inventor" when not used in conjunction with the word "actual," shall include the importer of an invention not publicly known or used in India.

The words "inventor" and "actual inventor" shall include the executors, administrators, or assigns of an inventor or actual inventor as the case may be.

The word "assigns" shall include grantees of the sole use or benefit in India of an invention, or of the sole use of an exclusive privilege for a limited time.

The word "India" shall mean the territories for the time being in the possession and under the Government of the East India Company.

The words "Governor General in Council" shall include the "President in Council."

The words "Secretary to the Government of India" shall include any Under-Secretary to the said Government.

FORM OF PETITION.

To the Governor General of India in Council.

The petition of *(here insert name, addition, and place of residence)* for leave to file a specification under Act No. VI of 1856.

That your petitioner is in possession of an invention for *(state the title of the invetion,)* which invention he believes will be of public utility; that he is the inventor thereof *(or, as the case may be, the assignee or the executor or administrator of the inventor)*; and that the same is not publicly known or used in India to the best of his knowledge and belief *(or, as the case may be, that he is the first importer into India of the said invention, and that the same is not publicly known or used in India.)*

(If Letters Patent have been obtained for the invention, state according to the requirements of Section XIX.)

The following is a description of the invention *(here describe it.)*

Your petitioner therefore prays for leave to file a specification of the said invention pursuant to the provisions of Act No. VI of 1856.

And your petitioner, &c.

(Signed)

The day of

FORMS OF DECLARATION.

A.

I (*here insert name, addition, and place of residence*) do solemnly and sincerely declare that I am in possession of an invention for (*state the title of the invention as in*

the petition); that I believe the said invention will be of public utility; that I am the inventor thereof *(or, as the case may be, the assignee or executor or administrator of the inventor) (or that I am the first importer of the said invention into India)*; and that the same is not publicly known or used in India to the best of my knowledge and belief, and that, to the best of my knowledge and belief, my said invention is truly described in my petition for leave to file a specification thereof.

The day of

(Signed)

B.

I *(here insert name addition, and place of residence)* do solemnly and sincerely declare that I am in possession of an invention for *(state the nature of the invention)*, which invention I believe will be of public utility; that I am the inventor thereof *(or, as the case may be, the assignee or executor or administrator of the inventor)*, *(or that I am the first importer of the said invention into India)*, and that the same is not publicly known or used in India to the best of my knowledge and belief, and that, to the best of my belief, the instrument in writing under my hand hereunto annexed particularly describes and ascertains the nature of the said invention and in what manner the same is to be performed.

The day of

(Signed)

C

I of

do solemnly and sincerely declare that I have been appointed by the said his agent for the purpose of , and I verily believe that the declaration purporting to be the declaration of the said marked ( ) was signed by him, and that the contents thereof are true.

The day of

(Signed)

ACT No. X. OF 1856.

Passed on the 11th April, 1856.

AN ACT to repeal the 122nd Article of War for the Native Army, and to substitute a new Article in lieu thereof.

WHEREAS it is expedient to amend the Articles of War for the Native Army, by including therein every attempt to commit murder; It is enacted—

That, from and after the passing of this Act, the 122nd Article of War for the government of the Native Officers and Soldiers in the Military Service of the East

India Company shall be repealed, except as to offences committed before the passing of this Act, and, in lieu thereof, the following shall be the 122nd Article:— "or of wounding or otherwise, by any means whatsoever, causing any corporal injury to any person with intent to murder, whether the person wounded or othrewise injured be the person whom the offender intended to murder, or another; or of attempting to commit murder by any means whatsoever."

Act No. XII. OF 1856.

Passed on the 9th May, 1856.

VI. Whenever any accounts shall be referred to a Civil Court Ameen for investigation or adjustment, the Court shall direct the parties or their agents to attend the Ameen, and shall furnish him with such part of the proceedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall specify whether the Ameen is merely to transmit the proceedings which he may hold on the enquiry, or also to report his own opinion on the matter referred for his investigation.

VII. *Clause I.* Whenever a local enquiry is directed, the Court shall distinctly specify the point or points to be investigated, and the Civil Court Ameen shall have power to examine, on oath or affirmation, such witnesses as may be produced to him by the parties or any of them, the parties themselves, and any other persons whom he may think proper to call upon to give evidence; and also to call for and examine documents and other papers relevant to the subjects of enquiry: and persons not attending on the requisition of a Civil Court Ameen, or refusing to give their testimony or sign their depositions, or to produce any documents or other papers, shall be subject to the like penalties and punishments by order of the Court on the report of the Ameen, as they would incur for the same offences in suits tried in Court.

Clause 2. Having completed his proceedings, the Civil Court Ameen shall return the depositions taken by him, together with his report in writing to the Court. The report and depositions shall be received as evidence in the case; but it shall be competent to the Court, or to the parties, or any of them, with the permission of the Court, to exmaine the Ameen personally in open Court touching any of the matters referred to him or mentioned in his report, or the manner in which he may have conducted his investigation.

ACT No. XIII. OF 1856.

Passed on the 13th June, 1856.

XIII. Whoever, being a Police Officer or being employed in any Police Office, asks for, or takes any bribe, or unauthorized reward in consideration of his doing, or omitting to do, any act in his official capacity, shall be dismissed by order of the Commissioner, and, upon conviction before a Magistrate, shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding six months.

XV. No member of the Police Force, to be enrolled under this Act, shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioner, or unless he shall have given to the Commissioner two months' notice of his intention; and every member of the said Force, who shall so resign or withdraw himself without such leave or notice, shall be liable, on the order of the Commissioner, to forfeit all arrears of pay then due to him; or, on the sentence of a Magistrate, to pay a fine not exceeding fifty Rupees, or to be imprisoned for any time not exceeding two months.

XXXII. *Clause* 1.—Whenever, in the Towns of Calcutta and Madras, any person is charged before two Magistrates with having committed any of the offences mentioned in Sections XXVII., XXVIII., and XXIX of this Act, on board of any merchant or passenger ship or steam-vessel employed on sea voyages, then being within the limits of the Ports of the said Towns, or on shore, when the property forming the subject of the charge belongs to any master, officer, or seaman of such ship or vessel, or to any other person employed or engaged in any capacity on board thereof, or who is about to sail as a passenger therein; and by reason of the value of such property exceeding fifty Rupees, the offence is not summarily cognizable by a single Magistrate under the provisions hereinbefore contained, it shall be lawful for such two Magistrates upon proof of the matters aforesaid, if they shall deem it probable (with reference to the time appointed for the departure of such ship or vessel) that the prosecution by indictment in the Supreme Court of the person so charged will be ineffectual in consequence of the absence of a material witness, to hear and determine the charge summarily under this Act, and, on conviction, to sentence the offender to imprisonment, with or without hard labor, for a term not exceeding twelve months, and in cases falling under Section XXVII. if a male, to corporal punishment not exceeding thirty stripes of a rattan.

Clause 2.—In the Town of Bombay a Magistrate may commit persons charged with such offences for trial before the Court of Petty Sessions, and the said Court may, on conviction, sentence the offender to a like term of imprisonment or punishment.

Clause 3.—It shall be lawful for the said two Magistrates, and the said Court of Petty Sessions, respectively, if they deem that the charge is from any circumstances fit to be made the subject of prosecution by indictment rather than to be summarily disposed of, to commit the person charged for trial before the Supreme Court.

XXXIII. Upon a conviction for any of the offences mentioned in Sections XXVII., XXVIII., XXIX., and XXXII. of this Act, the Magistrate, or Magistrates, (as the case may be), and in Bombay the Court of Petty Sessions in cases committed to that Court, may order the restitution of the property forming the subject of the charge, if forthcoming to the owner; and in case of its not being restored pursuant to such order, may impose on any person refusing or neglecting to restore the same, a fine not exceeding the value of the said property, which the Magistrate or Court may order to be paid to the owner or his representative.

XXXIV. Upon a conviction for any of the said offences, the Magistrate or Magistrates, (as the case may be), and in Bombay the Court of Petty Sessions in cases committed to that Court, may impose upon the offender, in addition to the punishment for the offence, a fine not exceeding the loss appearing to be caused to the persons who have suffered thereby, and may pay or distribute the proceeds of the said fine, or any part thereof, to, or for the benefit of, the said persons.

XXXVIII. Whoever assaults or resists, or aids or incites any person to assault or resist, any Police Officer in the execution of his duty, shall be liable to a fine not exceeding two hundred Rupees, or to imprisonment for any term not exceeding six months, with or without hard labor.

XXXIX. Whoever escapes, or attempts to escape, out of any place of legal confinement, shall be liable to be imprisoned, with or without hard labor, for any term not exceeding three months; and such imprisonment shall commence and take effect from and after the expiration of any sentence of imprisonment under which such person may be confined at the time of committing the offence aforesaid.

XL. Whoever, without satisfactory excuse, wilfully trespasses in or on any dwelling-house or premises, not thereby causing any actual damages, or on any ground belonging to Government, or appropriated to public purposes, shall be liable to a fine not exceeding twenty Rupees.

XLIII. If any person, having sufficient means, neglects or refuses to maintain his wife or any legitimate or illegitimate child unable to maintain himself, it shall be lawful for a Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child as aforesaid, at such rate, not exceeding fifty Rupees in the whole, as to the Magistrate shall seem reasonable; and if such person shall wilfully neglect to comply with the said order, the Magistrate may, by warrant, direct the amount due to be levied in the manner

hereinafter provided for levying fines; or may order him to be imprisoned, with or without hard labor, for any term not exceeding one month. Provided always, that any such person shall be at liberty to apply to the Magistrate, from time to time, for a reduction of such monthly allowance, on proof of an alteration in the circumstances of himself, his wife, or child justifying such reduction.

L. Whoever, in the Towns of Calcutta and Madras, has or keeps any Hotel, Tavern, Punch-house, Ale-house, Arrack or Toddy-shop, or place for smoking Chandoo or other preparation of Opium, or any Eating-house, Coffee-house, Boarding-house, Lodging-house, or other place of public resort and entertainment, wherein spirituous or fermented liquors are sold or consumed (whether the same be kept or retailed therein or procured elsewhere), without a license from the Commissioner of Police; and whoever in the Town of Bombay has or keeps any such house or place, or who sells by retail in any place any spirituous or fermented liquors without such license—shall be liable to a fine not exceeding fifty Rupees for every day that such unlicensed house or place of public resort and entertainment is kept open.

LI. The Commissioner of Police shall, from time to time, grant licenses to the keepers of such houses or places of public resort and entertainment as aforesaid in the said Towns, and upon such conditions, to be inserted in every such license, as he, with the sanction of the Local Government, from time to time, shall order, for securing the good behaviour of the keepers of the said houses or places of public resort and entertainment, and the prevention of drunkenness and disorder among the persons frequenting or using the same; and the said licenses may be granted by the said Commissioner for any term not exceeding one year; provided always, that it shall not be lawful for the said Commissioner to grant a license to open or establish, or keep open, any house of public entertainment in which any spirituous or fermented liquors, or Chandoo or other preparation of Opium for smoking, may be sold or consumed, to any person who has not taken out a license for the retail sale of such articles, if a license be necessary, under the Abkaree or Excise Laws for the time being in force; and any such license granted by the Commissioner shall become void whenever the license necessary under the Abkaree or Excise Laws shall terminate or be re-called. And every holder of such license may be required by the Commissioner to fix in a conspicuous part of the house or place specified in the license a board, on which shall be legibly painted in the English and Vernacular languages the name of the holder, and the articles he is licensed to deal in. Provided that Act V. of 1842, authorizing the levy of a fee, tax or duty on licenses to retail spirituous liquors in the Islands of Bombay and Colaba, shall be applicable to licenses granted under this Section. For every license granted under this Section in the Towns of Calcutta and Madras, there shall be paid a fee of one Rupee.

LII. Whoever, being the keeper of any such house or place of public resort, and entertainment in the said Towns, wilfully offends against any condition of his license, shall be liable to a fine not exceeding one hundred Rupees, and also, in the discretion of the Magistrate, forfeit his license.

LV. On the complaint of three or more householders, that a house in their immediate neighbourhood is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, a Magistrate may summon the owner or tenant of the house to answer the complaint, and, on being satisfied that the house is so used, and is therefore a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it, and if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five Rupees, for every day thereafter that the house shall be so used.

LIX. When any cards, dice, gaming-table, or cloth, boards, or other instruments of gaming, are found in any house, room, or place, of which information has been given on oath to a Magistrate, that it is suspected of being used as a common gaming-house, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpse of gaming, although no play was actually seen by the Police Officers, or any of his Assistants.

LXVII. Whoever takes from any child, apparently under the age of fourteen years, any article whatsoever as a pawn, pledge, or security for any sum of money lent or advanced to such child, or buys from such child any article whatsoever, shall be liable to a penalty not exceeding one hundred Rupees.

LXXV. Whoever, dealing in any article by retail, has, in or about his shop or premises, or otherwise in his possession, without lawful or satisfactory excuse, any false instrument for weighing, or any false weight, or false measure of length or capacity, shall be liable to a fine not exceeding fifty Rupees, or to imprisonment, with or without hard labor, for a term not exceeding one month; and every such false instrument, weight or measure shall be forfeited and destroyed. Weights and measures shall be held to be false when they do not agree with standards to be kept in the Office of the Commissioner of Police.

LXXVI. Any Inspector or superior Officer of Police may, upon complaint made to him, enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing kept or used therein, and may seize any weight, measure, or instrument for weighing which he may have reason to believe is false.

LXXVIII. No boat shall ply for passengers in the Port of Calcutta, or in any of the Ports of the said Settlement, unless duly registered at the Police Office.

The following particulars shall be entered in the Register :—

First.—Number of the boat.

Second.—Name and residence of the owner, and of the manjee.

Third.—Number of the crew.

Fourth.—Number of persons the boat is permitted to carry.

The registration shall be in force for one year; and every change of the owner or manjee within that time shall be therein noted. A fee of one Rupee shall be paid on registration.

The owner of every such registered boat shall cause to be printed, on a conspicuous part of it, in the English and Vernacular Languages, the registered number thereof, the number of the crew, and the number of passengers permitted to be carried.

The owner of a boat plying for passengers without being duly registered, or carrying more passengers, or with a less crew, than is stated in the Register, or not having the prescribed particulars painted on it, shall be liable to a fine not exceeding fifty Rupees.

LXXXI. Whoever, within such limits as shall be from time to time defined by the Commissioner of Police with the sanction of the Local Government, in any public street, road, thoroughfare, or place of public resort, commits any of the following offences, shall be liable to a fine not exceeding twenty Rupees :—

1. Whoever drives or rides any animal, or drives any vehicle, in a manner so rash or negligent as to indicate a want of due regard for the safety of others.

2. Whoever drives, rides, or leads any elephant or camel without permission from the Commissioner of Police.

3. Whoever drives any vehicle of any description, at any time between three-quarters of an hour after sun-set, and one hour before sun-rise, without a sufficient light, except when, in the opinion of the Magistrate, there may be sufficient moonlight to render such light unnecessary.

4. Whoever exposes for show, hire, or sale, any horse or other animal, or any carriage, or cleans or dresses any horse or other animal, or cleans any carriage or other conveyance, or makes or repairs any part of any cart or carriage, except in cases of accident, where repair on the spot is necessary; or trains or breaks any horse, except in such place and at such times as may be allowed by the Commissioner.

5. Whoever negligently lets loose any horse, or suffers to be at large any ferocious dog without a muzzle, or sets on or urges any dog or other animal to attack, worry, or put in fear any person, horse, or other animal.

6. Whoever, by negligence or ill-usage in driving cattle, causes any mischief to be done by such cattle, or in any wise misbehaves himself in the driving, management, or care of such cattle, so as to cause mischief or obstruction.

7. Whoever cruelly beats, abuses, or tortures any animal.

8. Whoever, being in charge of a cart, carriage, or horse, leaves it at such a distance as not to have the same under due control.

9. Whoever causes any cart or truck, with or without horses or cattle, to remain or stand longer than may be necessary for loading or unloading, except at places lawfully appointed for the purpose ; or leaves any cart, carriage, or truck, or fastens any horse or other animal, so as to cause any obstruction in any thoroughfare.

10. Whoever leads or rides any horse or other animal, or draws or drives any cart, carriage, or truck, upon any foot-way, or fastens any horse or animal, so that it can stand across or upon any foot-way.

11. Whoever sets out, or exposes for sale in or upon any stall, booth, show-board, cask, or basket, or otherwise, any meat, fish, vegetable, fruit, groceries, or any other thing whatsoever, so as to cause obstruction in any thoroughfare.

12. Whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any brass or other metal instrument or utensil, except at such times and place as shall be from time to time allowed by the Commissioner of Police.

13. Whoever sets fire to, or burns any straw or other matter, or lights any bon-fire, or wantonly discharges any fire-arm or air-gun, or lets off, or throws any fire-work, or sends up any fire-balloon, in or near any public street, road, or thoroughfare.

14. Whoever, without the consent of the Commissioner of Police, puts up any post or other thing on the side of any public street, for the purpose of affixing thereon lamps to illuminate the street.

15. Whoever, without the consent of the owner or occupier, affixes any bill or notice, or any paper against or upon any building, wall, or fence, or writes upon, defaces, or marks, any such building, wall, or fence with chalk, or paint, or in any way whatsoever.

16. Whoever bathes or washes himself in any public street, or in, upon, or by the side of any public tank, reservoir, or aqueduct, not being a place set apart for such purpose.

17. Whoever obstructs or incommodes a person bathing at any place set apart as a bathing place, by wilful intrusion, or by using such place as a landing place, or by anchoring or otherwise fastening or keeping boats, or by washing horses, cattle, or dogs, at or near such place, or in any other way.

18. Whoever uses any indecent, threatening, abusive, or insulting words, or behaves in a threatening or insulting manner, with the intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

LXXXII. Whoever is found drunk and incapable of taking care of himself, or is guilty of any riotous or indecent behaviour in any street or thoroughfare, or in any place of public amusement or resort; and whoever is guilty of any violent or indecent behaviour in any Police Office, Station, or Station House, shall be liable to a fine not exceeding twenty Rupees, or to imprisonment, with or without hard labor, for a term not exceeding fourteen days.

XCIX. When any Magistrate is desirous of examining any prisoner confined in a Jail or House of Correction as a witness or defendant, with respect to any charge, case, or proceeding pending before him, it shall be lawful for such Magistrate to issue an order addressed to the Keeper or Governor of the said Jail or House of Correction, requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Police Office, for examination; and the Keeper or Governor of the said Jail or House of Correction, on the receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from prison for the purpose aforesaid.

CV. All fines and penalties imposed by a Magistrate of Police under the authority of this Act, or of any other Act heretofore passed, or which shall hereafter be passed, if no other means for enforcing the payment of such fines and penalties are or shall be provided by such Act, may, in case of non-payment thereof, be levied by distress, and sale of the goods and chattels of the offender by warrant of the Magistrate. When a warrant of distress is issued, the Magistrate may order the offender to be detained and kept in safe custody until return can be conveniently made to such warrant, unless the offender enter into a recognizance, with or without sureties, conditioned for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such recognizance; but if before issuing such warrant of distress, it shall appear to the Magistrate, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Magistrate whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and, upon the return thereof, such insufficiency as aforesaid shall be made to appear to the Magistrate, he shall, by warrant, commit the offender to jail, there to be imprisoned, according to the discretion of the Magistrate, for any term not exceeding two months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

CXII. All actions and prosecutions against any person, which may be lawfully brought for any thing done, or intended to be done, under the provisions of this Act, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full cost as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

CXV. It shall be lawful for all persons, and it is hereby declared to be the special duty of all Police Officers, to seize all cattle or other animals found straying upon the roads, streets, or thoroughfares, or trespassing on any of the grounds or property of the inhabitants, and to confine such animals in any public pound which shall for such purpose be, from time to time, appointed by the Commissioner of Police; and if such animals shall not be respectively redeemed by the owners of the same within ten days after being so pounded, by paying to the person to be appointed by the said Commissioner to have charge of such pound, the fee of eight annas for every goat, sheep, or hog, and one Rupee for every other animal, together with the expenses of feeding the same while impounded, according to a daily rate to be settled by the said Commissioner, such animal so impounded shall be publicly sold, and the produce of such sale, after paying the said fee, and also the expenses of feeding, shall be paid to the owners of such animal, or, in default of their claiming such produce for the space of fifteen days after such sale, shall be retained by the said Commissioner, and credited to the Police Superannuation Fund.

ACT No. XIV. OF 1856.

Passed on the 14th June, 1856.

CXXI. Copies of such bye-laws shall be transmitted to the Clerk of the Legislative Council, as soon as conveniently may be after the confirmation thereof; and no such bye-law shall have effect if disallowed by order of the Legislative Council.

Act No. XVI. of 1856.

Passed on the 9th August, 1856.

An Act to authorize the levy of Port-dues and Fees at the present rates for a further period of twelve months.

Whereas by Section XLI Act XXII of 1855, the period, during which the dues and fees now usually collected at the several ports within the territories in the possession and under the Government of the East India Company may be collected at such ports respectively, is limited to one year from the time of the passing of the Act, which will expire on the 13th of August 1856, and it is expedient to extend that period —

It is hereby enacted that the dues and fees now usually collected at the several ports within the said territories, may be collected at such ports during the period of twelve months from the 13th of August 1856.

Act No. XVII. of 1856.

Passed on the 23rd August, 1856.

An Act to provide for the execution of Criminal process in places out of the jurisdiction of the authority issuing the same.

Whereas by Act VII of 1854 certain provisions were made for the execution, in any part of the territories under the Government of the East India Company, of warrants of arrest issued by competent Officers in any other parts thereof, and whereas it is expedient that similar means should be provided for the execution as aforesaid of all other Criminal process issued as aforesaid; It is enacted as follows :—

I. Any Criminal process whatever, including summonses, subpœnas, and search warrants, as well as warrants of arrest issued by any Magistrate having jurisdiction in any part of the territories under the Government of the East India Company, may be executed within the jurisdiction of any other Magistrate having jurisdiction in any part of the said territories, whether in the same Presidency or not, upon having a written authority under the hand and seal of the Magistrate within whose jurisdiction it may be executed, previously endorsed thereon. Provided, that no summons or subpœna shall be issued by a Magistrate to compel the attendance of a defendant or witness from any place beyond the local limits of his jurisdiction, unless special grounds shall be proved to the satisfaction of the Magistrate in support of the application, which grounds shall be recorded before the summons or subpœna is issued.

II. The Magistrate endorsing any process under this Act shall not be liable to any action or other proceeding in consequence of any illegality in the issuing of the

process ; but any Magistrate illegally or improperly issuing the same shall be liable for any act in pursuance of the endorsement, in the same manner and to the same extent only, as if the process had been executed within his own jurisdiction.

III. The provisions of Act VII of 1854 and of this Act do and shall extend and apply to any warrant or other process of any Magistrate having jurisdiction in the territories beyond the local limits of the Supreme Courts of Calcutta, Madras, and Bombay respectively, which shall be executed within those limits. Provided that, if a Magistrate having jurisdiction within those limits shall object to endorse any warrant or other process on account of any apparent defect therein, or for any other cause, he shall refer such warrant or other process to a Judge of the Supreme Court, who shall deal therewith according to the provisions of Act XXIII of 1840.

IV. The word "Magistrate," as used in this Act, includes a Joint Magistrate, or any person lawfully exercising the powers of a Magistrate, and also a Justice of the Peace.

Act No. XXI. of 1856.

Passed on the 22nd November, 1856.

IX. Spirits may be removed from any licensed distillery for exportation as aforesaid without payment of duty, under such rules and restrictions as may be from time to time prescribed by the Board of Revenue, on the person removing them executing a bond, with one or more sureties, to the East India Company in the form hereunto annexed, for the payment of the prescribed duty upon such portion of the said spirits as may not be exported within four months from the date of the bond. Provided, however, that it shall be lawful for the Collector, with the sanction of the Commissioner, on sufficient cause shewn, to extend the period allowed for the exportation of the spirits for a further term of four months.

Act No. XXIII. of 1856.

Passed on the 5th December, 1856.

An Act for the better recovery of arrears of Revenue under Ryotwar Settlements in the Madras Presidency.

Whereas doubts have arisen whether the provisions of Section XXXVIII, Regulation XXVIII. 1802 of the Madras Code are applicable to lands under Ryotwar Settlements ; It is enacted as follows :—

I. The collection of the Government Revenue, due on account of lands under settlement direct with the ryots, shall be deemed a Khas collection on the part of Government within the meaning of Section XXXVIII, Regulation XXVIII of 1802.

II. All past arrears of such Revenue shall be collected according to the provisions of this Act; and every Collector and other Revenue Officer is hereby indemnified for any thing heretofore done for the recovery of arrears of such Revenue in accordance with the provisions of the said Section XXXVIII, Regulation XXVIII of 1802.

Act No. I. of 1857.

Passed on the 17th January, 1857.

An Act to prevent the over-crowding of vessels carrying Native Passengers in the Bay of Bengal.

Whereas it is necessary to prevent the over-crowding of vessels carrying native passengers across the Bay of Bengal from and to ports in the Presidency of Fort St. George, and between such ports and Ceylon; It is enacted as follows:—

I. No vessel shall carry native passengers from any port or place under the Presidency of Fort St. George, to any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, in a proportion greater than one passenger to every four tons of the burden of such vessel, without a license.

II. No vessel shall be licensed to carry passengers on any such voyage as aforesaid, in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper deck and the lower deck or platform; except a vessel proceeding in ballast from any part of the Coast of the Gulf of Manar or Palks' Strait to any port or place in Ceylon, which may be licensed to carry a number of passengers not exceeding the proportion of two and a-half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger.

III. The Master or Tindal of any vessel which shall carry passengers on any such voyage as aforesaid, without a license in a proportion exceeding that laid down in Section I, shall be liable to a fine not exceeding two hundred Rupees.

IV. The Master or Tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a

fine not exceeding twenty Rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

V. Passengers in a greater number than one passenger to every four tons of the burden of any vessel shall not be shipped from the territories under the Government of Fort St. George, for Ceylon or the Eastern Coast of the Bay of Bengal, or the Straits of Malacca, except from such ports as shall be from time to time appointed by the Government by an Order in Council, published in the *Fort St. George Gazette;* and the Master or Tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is above-mentioned, shall be liable to a fine not exceeding twenty Rupees for each passenger embarked.

VI. It shall be at the discretion of the Collectors of Sea Customs for the ports appointed for shipping native passengers, or such other persons as the Government of Fort St. George may from time to time appoint for the purpose, to grant licenses to vessels under this Act. Provided that such licenses shall not be granted, except for vessels within the exception in Section II. till the vessels have been surveyed according to such directions as shall be given from time to time by the Governor in Council. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the Master or Tindal, and the number and composition of the crew; and shall specify the number of passengers she may carry, and the space to be assigned for their accommodation.

VII. The Master or Tindal of any vessel licensed to carry passengers from any port in the territories under the Government of Fort St. George to any port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of Government, published in the *Fort St. George Gazette*, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of the number fully supplied with provisions and water according to such scale.

VIII. The Master or Tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every passenger who has suffered privation thereby.

IX. The Master or Tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, who shall proceed on such

voyage without having laid in a supply of water and provisions for the passengers, according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Government of Fort St. George may from time to time appoint for the purpose, which shall be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred Rupees.

X. The Master or Tindal of any vessel licensed to carry passengers as hereinbefore provided, shall sign and deliver in duplicate to the principle Officer of Customs at the place of embarkation, or such other person as the Government of Fort St. George may from time to time appoint for the purpose, a list according to the form annexed to this Act, of all passengers to be conveyed in such vessel; and such Officer, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the Master or Tindal, to be produced to the proper Officer at the port to which the vessel is bound; and should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the Master or Tindal may insert their names in the original list, obtaining the signature of the controlling officer as before. The officer in charge of the Customs may withhold the port clearance till this rule is complied with.

XI. If any vessel, bringing native passengers into any port or place whatsoever within the said territories from any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, shall have on board a greater number of passengers than in the proportion prescribed in this Act for vessels licensed to carry passengers from the said territories, the Master or Tindal of such vessel shall be liable to a penalty of twenty Rupees for each passenger in excess of such proportion.

XII. The principal Officer in charge of the Customs at the place of embarkation or of importation, or any person authorized by him, shall be at liberty at all times to enter and inspect any passenger vessel, and the fittings, provisions, and stores therein; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

XIII. The fines authorized by this Act may be imposed by any Magistrate, Joint Magistrate, or other person lawfuly exercising the powers of a Magistrate, or by any Justice of the Peace having jurisdiction at any place in the possession and under the Government of the East India Company.

XIV. This Act shall continue in force for three years.

SCHEDULE.

FORM.

1	2	3	4	5	6	7
Name of Vessel.	Name of Master.	Tons per Register.	Port of Embarkation.	Number and names of Passengers.	Port at which Passengers have contracted to be landed.	Date of Departure.

(Signed) ——,

Master.

(Countersigned) ——,

Principal Officer of Customs.

Note.—In the case of vessels carrying passengers to Ceylon, it will be sufficient to insert the number, and not the names, of passengers in Column 5.

Act No. VI. of 1857.

Passed on the 1st May, 1857.

IX. If the Collector or other Officer is opposed or impeded in taking possession of such land, he shall apply to the Magistrate who shall enforce the surrender of the land.

XXXVII. The powers of this Act shall extend, in the case of any road, canal, or railway, to authorize the temporary occupation of any land not more than one hundred yards from the centre line of the road, canal or railway, as marked on the ground, for taking earth or other materials for making or repairing the road, canal, or railway, or for depositing thereon superfluous earth or other materials, or erecting temporary buildings and workshops thereon, and of any land which may be needed for making temporary roads, from any public road to the intended line of railway; and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, stand, and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained, in case of disagreement, in the same manner as compensation for land permanently taken

ACT No. VII. OF 1857.

Passed on the 1st May, 1857.

IV. A Deputy Magistrate appointed under this Act may, within the district to which he is appointed, perform such of the duties and exercise such of the powers of a Covenanted Assistant Magistrate as shall be assigned to him from time to time by the Magistrate of such district; and the decisions and orders of such Deputy Magistrate shall be subject to the same rules, as respects appeals, as are or may be provided in the case of the orders and decisions of Covenanted Assistant Magistrates.

ACT No. VIII. OF 1857.

Passed on the 16th May, 1857.

AN ACT to amend Act XIX. of 1847.

WHEREAS it is expedient to facilitate the trial and punishment of offences against the Articles of War for the Native Army; It is enacted as follows :—

I. It shall be lawful for the Governor General of India in Council, from time to time, by Order in Council, to empower every General or other Officer having the command of Troops in the service of Her Majesty or of the East India Company, or any of such General or other Officers, to appoint General or District or Garrison Courts Martial, as occasion may require, for the trial of any of the Officers, Soldiers, or followers of the East India Company, being natives of the East Indies or of other places within the limits of the said Company's Charter, and amenable to the Articles of War for the Native Troops, who may be charged with any offence punishable by the said Articles of War, which, in the judgment of such General or other Officer, requires to be punished without delay; and also to confirm and carry into effect immediately or otherwise, any sentence of such Court Martial; or to commute, mitigate, or remit any such sentence; or, in case he shall deem it necessary so to do, to refer any such sentence to the Commander-in-Chief for his orders thereon.

II. Any General Court Martial, which may be appointed under the authority of this Act, shall be appointed by the senior Officer on the spot, and shall consist of not less than five Commissioned Officers, the number to be fixed by the General or other Officer appointing the Court Martial. The Order in Council may direct that a General Court Martial to be appointed under the provisions of this Act shall consist wholly of European Commissioned Officers or of Native Commissioned Officers; and in such case, the Officer appointing the Court Martial shall determine whether the same shall consist of European Officers or of Native Officers. Every General Court Martial appointed under the authority of this Act shall have all the powers of a General Court Martial specified in the 75th Article of War for the Native Army: and sen-

tence of death, or other punishment to which the offender is liable by the said Articles of War, may be given by such Court Martial, if a majority of the members present concur in the sentence.

III. General Order No. 677 of 1857, made by the Governor General in Council in the Military Department, and bearing date the 14th of May 1857, is hereby confirmed; and the same shall have the force and effect of law, and shall be deemed to have had such force and effect from the date thereof.

IV. It shall be lawful for the Governor General in Council to countermand or alter the said General Order, or any Order in Council which may be issued under the authority of this Act.

Act No. XI. of 1857.

Passed on the 30th May, 1857.

I. All persons owing allegiance to the British Government who, after the passing of this Act, shall rebel, or wage war against the Queen or the Government of the East India Company, or shall attempt to wage such war, or shall instigate or abet any such rebellion or the waging of such war, or shall conspire so to rebel or wage war, shall be liable, upon conviction, to the punishment of death, or to the punishment of transportation for life, or of imprisonment with hard labor for any term not exceeding fourteen years; and shall also forfeit all their property and effects of every description. Provided that nothing contained in this Section shall extend to any place subject to Regulation XIV. of 1827 of the Bombay Code.

II. All persons who shall knowingly harbour or conceal any person who shall have been guilty of any of the offences mentioned in the preceding Section shall be liable to imprisonment, with or without hard labor, for any term not exceeding seven years, and shall also be liable to fine.

Act No. XIV. of 1857.

Passed on the 6th June, 1857.

An Act to make further provision for the trial and punishment of certain offences relating to the Army, and of offences against the State.

Wherreas it is necessary to make further provision for the trial and punishment of persons who endeavour to excite mutiny and sedition among the Forces of the East India Company, and also for the trial of offences against the State; It is enacted as follows:—

I. Whoever intentionally seduces or endeavours to seduce any Officer or Soldier in the service or pay of the East India Company from his allegiance to the British

Government or his duty to the East India Company, or intentionally excites or stirs up, or endeavours to excite or stir up, any such Officer or Soldier, or any Officer or Soldier serving in any part of the British Territories in India in aid of the Troops of the British Government, to commit any act of mutiny or sedition; and whoever intentionally causes, or endeavours to cause, any other person to commit any such offence—shall be liable upon conviction to the punishment of death, or to the punishment of transportation for life, or of imprisonment with hard labor for any term not exceeding fourteen years; and shall forfeit all his property and effects of every description.

II. Whoever shall knowingly harbour or conceal any person who shall have been guilty of any offence mentioned in the preceding Section, shall be liable to imprisonment, with or without hard labor, for any term not exceeding seven years, and shall also be liable to fine.

III. It shall be lawful for the Governor General of India in Council, from time to time, by Order in Council, to empower every General or other Officer having the command of Troops in the service of Her Majesty or of the East India Company, or any of such General or other Officers, to appoint General Courts Martial for the trial of any person or persons charged with having committed an offence punishable by this Act or by Section I. or Section II. of Act XI. of 1857, and also to confirm and carry into effect any sentence of such Court Martial.

IV. Any General Court Martial, which may be appointed under the authority of this Act, shall be appointed by the senior Officer on the spot, and shall consist of not less than five Commissioned Officers, the number to be fixed by the General or other Officer appointing the Court Martial. The Order in Council may direct that a General Court Martial to be appointed under the provisions of this Act shall consist wholly of European Commissioned Officers or wholly of native Commissioned Officers, or partly of European Commissioned Officers and partly of native Commissioned Officers; and in such case the Officer appointing the Court Martial shall determine whether the same shall consist wholly of European Officers or wholly of native Officers, or partly of European Officers and partly of native Officers.

V. Sentence of death or other punishment to which the offender is liable by law, may be given by such Court Martial, if a majority of the members present concur in the sentence; and any such sentence may be confirmed by, and carried into effect immediately or otherwise by order of, the Officer by whom the Court Martial shall have been appointed, or, in case of his absence, by the senior Officer on the spot.

VI. It shall be lawful for the Governor General in Council to countermand or alter any Order in Council which may be issued under the authority of this Act.

VII. It shall be lawful for the Governor General in Council, or for the Executive Government of any Presidency or place, or for any person or persons whom the Governor General in Council may authorise so to do, from time to time to issue a Commission for the trial of all or any persons or person charged with having committed within any district described in the Commission, whether such district shall or shall not have been proclaimed to be in a state of rebellion, any offence punishable by Sections I. and II. of Act XI. of 1857, or by this Act, or any other crime against the State, or murder, arson, robbery, or other heinous crime against person or property.

VIII. The Commissioner or Commissioners authorised by any such Commission, may hold a Court in any part of the district mentioned in the Commission, and may there try any person for any of the said crimes committed within any part thereof, it being the intention of this Act that the district mentioned in the Commission shall, for the purpose of trial and punishment of any of the said offences, be deemed one district.

IX. Any Court held under the Commission shall have power, without the attendance or futwa of a Law Officer, or the assistance of Assessors, to pass upon every person convicted before the Court of any of the aforesaid crimes any sentence warranted by law for such crime; and the judgment of such Court shall be final and conclusive; and the said Court shall not be subordinate to the Sudder or other Court.

X. If a Commission be issued under the authority of this Act, any Magistrate or other Officer having power to commit for trial within the district described in the Commission may commit persons charged with any of the aforesaid crimes within such district for trial before a Court to be held under this Act.

XI. Nothing in this Act shall extend to the trial or punishment of any of Her Majesty's natural-born subjects born in Europe, or of the children of such subjects.

XII. This Act shall not extend to the trial or punishment of any person for any offence for which he is liable to be tried by the Articles of War.

XIII. The word "Soldier" shall include every person subject to any Articles of War.

XIV. This Act shall continue in force for one year.

Act No. XV. of 1857.

Passed on the 13th June, 1857.

An Act to regulate the establishment of Printing Presses and to restrain in certain cases the circulation of printed books and papers.

Whereas it is expedient to prohibit the keeping or using of Printing Presses, types, or other materials for printing, in any part of the territories in the possession and under the Government of the East India Company, except with the previous sanction and license of Government, and under suitable provisions to guard against abuse; and whereas it may be deemed proper to prohibit the circulation, within the said territories, of newspapers, books, or other printed papers of a particular description: It is enacted as follows:—

I. No person shall keep or use any Printing Press, or types, or other materials or articles for printing, without having obtained the previous sanction and license for that purpose of the Governor General of India in Council, or of the Executive Government of the Presidency in which such Printing Press, types, or other materials or articles for printing are intended to be kept or used, or of such other person or persons as the Governor General of India in Council may authorise to grant such sanction or license; and any person who shall keep or use any Printing Press, or types, or other materials or articles for printing, without having obtained such license, shall be liable, on conviction before a Magistrate, to a fine not exceeding five thousand Rupees, or to imprisonment not exceeding two years, or to both.

II. If any person shall keep or use any Printing Press, or types, or other materials or articles for printing, without such sanction or license as aforesaid, any Magistrate, within whose jurisdiction the same may be found, may seize the same, or cause them to be seized, together with any books or printed papers found on the premises; and shall dispose of the same as the Governor General of India in Council, or the Executive Government of any Presidency, or such other person as the Governor General in Council shall authorise in that behalf, may direct; and it shall be lawful for any Magistrate to issue a search-warrant for the entry and search of any house, building, or other place, in which he may have reason to believe that any such unlicensed Printing Press, types, or other materials or articles for printing are kept or used.

III. Whenever any person or persons shall be desirous of keeping or using any Printing Press, or types, or other materials or articles for printing, he or they shall apply by writing to the Magistrate within whose jurisdiction he proposes to keep or use such Printing Press or other such materials or articles as aforesaid, or to such other person as the Governor General in Council, or the Executive Government of the Presidency, or such other person as the Governor General in Council shall

authorise in that behalf, may appoint for that purpose. The application shall specify the name, profession, and place of abode of the proprietor or proprietors of such Printing Press, types, or other materials or articles for printing, and of the person or persons who is or are intended to use the same, and the place where such Printing Press, types, or other materials or articles for printing are intended to be used; and such application shall be verified by the oath, affirmation, or solemn declaration of the proprietors and persons intending to keep or use such Printing Press, types, or other materials or articles for printing, or such of them as the Magistrate or other person to whom the application shall be made shall direct; and any person wilfully making a false oath, affirmation, or declaration shall be deemed guilty of perjury.

IV. The Magistrate shall forward a copy of such application to the Governor General in Council, or to the Executive Government of the Presidency, or to such other person as may be authorised to grant the license; and the said Governor General in Council, or such Executive Government, or other person as aforesaid, may at his or their discretion grant such license subject to such conditions (if any) as he or they may think fit, and may also at any time revoke the same.

V. If any person or persons shall keep or use, or cause or allow to be kept or used, any such Printing Press, types, or other materials or articles for printing, contrary to the conditions upon which the license may have been granted, or after notice of the revocation of such license shall have been given to or left for him or them at the place at which the Printing Press shall have been established, he or they shall be subject to the same penalties as if no such license had been granted; and such Printing Press, types, and other materials or articles for printing may be seized and disposed of in the manner prescribed in Section II. of this Act.

VI. All Books and other papers, printed at a Press licensed under this Act, shall have printed legibly on them the name of the printer and of the publisher, and the place of the printing and publication thereof; and a copy of every such book or printed paper shall be immediately forwarded to the Magistrate or to such other person as the Government or other person granting the license may direct; and every person who shall print or publish any book or paper otherwise than in conformity with this provision, or who shall neglect to forward a copy of such book or paper in manner hereinbefore directed, unless specially exempted therefrom by the Governor General in Council or other person granting the license, shall be liable, on conviction before a Magistrate, to a fine not exceeding one thousand Rupees, and in default of payment to imprisonment for a term not exceeding six calendar months.

VII. The Governor General of India in Council, or the Executive Government of any Presidency, may, by Order to be published in the *Government Gazette*, prohibit

the publication or circulation, within the said territories or the territories subject to the said Government, or within any particular part of the said territories, of any particular newspaper, book, or other printed paper, or any newspaper, book, or printed paper of any particular description, whether printed within the said territories or not; and whoever, after such prohibition, shall knowingly import, publish, or circulate, or cause to be imported, published, or circulated, any such book or paper, shall be liable for every such offence, on conviction before a Magistrate, to a fine not exceeding five thousand Rupees, or to imprisonment not exceeding two years, or to both; and every such book or paper shall be seized and forfeited.

VIII. The word "printing" shall include lithographing. The word "Magistrate" shall include a person exercising the powers of a Magistrate, and also a Justice of the Peace; and every person hereby made punishable by a Justice of the Peace may be punished upon summary conviction.

IX. Nothing in this Act shall exempt any person from complying with the provisions of Act XI. of 1835.

X. No person shall be prosecuted for any offence against the provisions of this Act, within fourteen days after the passing of the Act, without an order of the Governor General in Council or the Executive Government of the Presidency in which the offence shall be committed, or the person authorised under the provisions of this Act to grant licenses.

XI. This Act shall continue in force for one year.

Act No. XVI. of 1857.

Passed on the 13th June, 1857.

An Act to make temporary provision for the trial and punishment of heinous offences in certain Districts.

Whereas it is expedient to make temporary provision for the trial and punishment of heinous offences in certain Districts; It is enacted as follows:—

I. Whoever shall commit or attempt to commit any heinous offence in any district or place in which Martial Law hath been or shall be established, or in any district or place to which this Act shall be extended by order of the Governor General of India in Council shall be liable, on conviction, to the punishment of death, or to the punishment of transportaion for life, or of imprisonment with hard labor for any term not exceeding fourteen years; and shall forfeit all his property and effects of every description.

II. The words "heinous offence" shall be deemed to include an attempt to murder, rape, maiming, dacoity, robbery, burglary, knowingly receiving property

obtained by dacoity, robbery, or burglary, breaking and entering a dwelling-house and stealing therein, intentionally setting fire to a village, house, or any public building, stealing or destroying any property provided for the conveyance or subsistence of Troops, and all crimes against person or property attended with great personal violence, and all crimes committed with the intention of assisting those who are waging war against the State or forwarding their designs.

III. Every person who shall be guilty of murder or any of the offences above described, may be tried either by Court Martial appointed under Act XIV. of 1857, or by a Commissioner or Commissioners authorised by a Commission issued under the said Act, or by the ordinary Courts of Judicature.

IV. Nothing in this Act shall extend to the trial or punishment of any of Her Majesty's natural-born subjects born in Europe, or of the children of such subjects.

V. This Act shall continue in force for one year.

Act No. XVII. of 1857.

Passed on the 20th June, 1857.

An Act to provide temporarily for the apprehension and trial of Native Officers and Soldiers for Mutiny and Desertion.

Whereas it is expedient to make temporary provision for the apprehension and trial of mutineers and deserters amenable to the Articles of War for the Native Troops of the East India Company; It is enacted as follows:—

I. It shall be lawful for every Sessions Judge, and for every person exercising the same powers as a Sessions Judge, and for any person or persons whom the Governor General of India in Council, or the Executive Government of any Presidency or place, or the Chief Commissioners of the Punjab and Oude respectively, or the Commissioner of Nagpore, may, from time to time, invest with such power, to try for mutiny or desertion, wheresoever the offence may have been committed, any person subject to the Articles of War for the Native Troops of the East India Company, who, in the judgment of such Officer or other person, ought to be tried and punished without delay; and such Officer or other person may, on conviction of the offender, sentence him to such of the following punishments as might by the said Articles of War be awarded against him by a General Court Martial—that is to say, if the offender be an Officer, to death or transportation for life; and if a Soldier, to death, transportation for life, or imprisonment, with or without hard labor, for life or for any term of years. Such sentence shall be final and conclusive; and if a sentence of death be passed, the same may be carried into execution immediately or at such time as such officer or other person shall direct. The

Sessions Judge or other Officer by whom the sentence shall be passed may, if he think proper, report the case to the Governor General in Council or to the Executive Government of the Presidency, together with any remarks or recommendation which he may think fit to make thereon; and the Governor General in Council or the Executive Government of the Presidency may either pardon the offender or commute the sentence to any less punishment.

II. It shall be lawful for the Governor General in Council, or the Executive Government of any Presidency or place, or any of the said Commissioners, to authorise any person or persons to issue a Commission for the trial of mutiny and desertion by any person or persons amenable to the said Articles of War; and every person authorised by such Commission shall have all the powers vested by this Act in a Sessions Judge.

III. It shall be lawful for any Police Officer or other person to apprehend without warrant any person upon reasonable suspicion that he is a mutineer or deserter and amenable to the Articles of War for the Native Troops of the East India Company.

IV. Every person who shall be apprehended as a mutineer or deserter under the provisions of this Act shall be conveyed without delay before a Magistrate or an Officer exercising any of the powers of a Magistrate in or near to the place where such person shall have been so apprehended, and may in the mean time be detained in custody; and if the said Magistrate or other Officer shall be satisfied that such person is a mutineer or deserter and amenable to the Articles of War for the Native Troops, he shall cause him to be delivered, together with any depositions and papers relative to the case, to the Commanding Officer of some Military Station, in order that he may be dealt with according to law; or the Magistrate or other Officer may commit him for trial before any Officer or other person authorized by or under the provisions of this Act to try him for such offence, if the Magistrate or other Officer shall see good and sufficient reason for so doing; or if the Magistrate or other Officer shall be authorised under the provisions of this Act to try for mutiny or desertion, he may, if he think fit, proceed forthwith to try the offender.

V. The provisions of Sections V and VI of Act XI of 1856 are hereby extended to all Officers, Soldiers, and other persons amenable to the Articles of War for the Native Troops.

VI. All Zemindars, Talookdars and other persons who, by Regulation VI 1810 of the Bengal Code, are declared to be accountable for the early communication of intelligence respecting the resort to their estates of the classes of offenders therein specified, are hereby declared to be accountable for the early communication of intelligence of the resort to any place within the limits of their estates of any

person against whom there shall be reasonable suspicion of his having been guilty of mutiny or desertion; and all the provisions of the said Regulation shall have the same force and effect as if persons guilty of mutiny and desertion had been especially included in the classes of offenders specified in that Regulation. Provided that no proceeding shall be taken against any Zemindar, Talookdar, or other person by virtue of this Section for anything done or omitted to be done by him within fourteen days after the passing of this Act.

VII. The word "Magistrate" shall include persons exercising the powers of a Magistrate, Police Magistrates and Justices of the Peace.

VIII. This Act shall continue in force for one year.

Act No. XVIII. of 1857.

Passed on the 4th July 1857.

An Act relating to the issuing of writs or process against certain members of the family, household, and retinue of His late Highness the Nabob of the Carnatic.

Whereas it has been decided by Her Majesty's Supreme Court of Judicature at Fort St. George that Act I of 1844 was a personal Act, and that upon the death of His late Highness the Nabob of the Carnatic, it ceased to have any effect; and whereas doubts are entertained as to the correctness of the decision, and it is desirable that the persons against whom any such decision has been given should have an opportunity of petitioning Her Majesty in Council for leave to appeal against the same, and that litigation should be prevented in the mean time; It is enacted as follows:—

I. No writ or process shall, at any time within the period of one year from the time of the passing of this Act, be sued forth or prosecuted against the person, goods, or property of any person whose name was included in any list which was published under the provisions of the said Act, and which was in force and effect for the purpose of the said Act at the time of the death of His said late Highness the Nabob of the Carnatic, unless such writ or process shall be sued forth or prosecuted with the consent of the Governor in Council of Fort St. George first had and obtained, such consent to be testified by the signature of the Secretary or one of the Secretaries of Government.

II. If an appeal against any such decision as aforesaid be admitted by Her Majesty in Council, no such writ or process shall be sued forth or prosecuted against the person, goods, or effects of any person named in such list as aforesaid until after the determination of the appeal, unless such writ or process be sued forth or prosecuted with the consent of the said Governor in Council to be testified as afore-

said, or unless the Court out of which such writ or process shall be sued forth or prosecuted shall be satisfied that the appellant has been guilty of unreasonable delay in prosecuting the appeal, and shall make a special order authorising such writ or process to be sued forth and prosecuted.

III. Every writ or process sued forth or prosecuted contrary to the provisions of this Act shall be utterly null and void.

Act No. XXIV. of 1857.

Passed on the 31st July 1857.

An Act to authorize the levy of Port-dues and Fees at the present rates for a further period of six months.

Whereas the period during which the dues and fees now usually collected at the several Ports within the territories in the possession and under the Government of the East India Company may be collected at such Ports respectively, as fixed by Act XVI of 1856, will expire on the 13th of August 1857; and it is expedient to extend that period.

It is hereby enacted that the dues and fees now usually collected at the several Ports within the said territories, may be collected at such Ports during the period of six months from the 13th of August 1857.

Act No. XXVIII of 1857.

Passed on the 11th September 1857.

An Act relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same.

Whereas it is expedient to regulate the importation, manufacture, and sale of Arms and Ammunition, and the right to keep or use the same; It is enacted as follows:—

I. In any district or place to which the provisions of this Section shall be extended by order of the Governor General of India in Council or of the Executive Government of any Presidency or place, every person shall, within such time as shall be mentioned in the order, or if no time be mentioned therein, within one week from the publication of the order in the district or place, give notice in writing to the Magistrate or other Officer specified by the Executive Government, of any fire-arms, bayonet, sword, spear, spear-head or other deadly weapon to be specified in such order, which shall be in his possession or shall be on his premises in the possession of any of his retainers or servants; and shall also give imme-

diate notice in writing of all other Arms of the like description which shall at any subsequent times come into his possession or into the possession of any of his retainers or servants as aforesaid. The notice shall specify the number and description of the Arms so possessed, and also, in the case of Arms so possessed by retainers or servants, the names of such retainers or servants and in what capacities they are respectively employed.

II. Whoever wilfully neglects to give such notice as aforesaid, shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees; and all Arms in the possession of such person may be seized and shall be confiscated, if the convicting Magistrate shall so adjudge: and in case the Arms of which he shall so neglect to give notice shall exceed what may be considered reasonable for the private use of such person, he shall be liable to imprisonment with or without hard labor for a term not exceeding two years, and shall also be liable to a fine not exceeding five thousand Rupees; and all the Arms and any Ammunition, or Military Stores in the possession of such person or on his premises shall be confiscated.

III. The Magistrate shall cause to be prepared from such notices a register of the names of persons having Arms in their possession, and the number and description of such Arms; and shall also, at the request of any person giving such notice as aforesaid, deliver to him a certificate specifying the date of the notice, and the number and description of Arms specified therein.

IV. If, in the judgment of the Government or of the Magistrate, any such Arms as aforesaid or any Ammunition in the possession of any person cannot be left in such possession without danger to the public peace, it shall be lawful for the Magistrate to cause such Arms or Ammunition to be seized and detained in safe custody for such time as may be deemed necessary.

V. In any district or place to which the provisions of this Section shall be extended by order of the Governor General of India in Council or of the Executive Government of any Presidency or place, if any person goes armed with any such Arms as aforesaid, and shall not produce a certificate from a Magistrate or other officer authorised by Government to grant licenses to go armed, that he has obtained such a license or that he is exempted by Government from the foregoing provisions or give reasonable proof of his being otherwise exempted from the said provisions, he shall be liable to be disarmed by any Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or by any European Commissioned Officer in the service of her Majesty or of the East India Company, by any Member of a Volunteer Corps enrolled by authority of Government whilst on duty, or by any Police Officer, if, in the judgment of such Magistrate or other person as aforesaid, it is dangerous to the public peace to allow such person to go armed. Provided always that, if any person shall have a license, from the Magistrate of the district or place at which he resides or

may be, to carry on a journey such Arms as the Magistrate may consider reasonable for his private use, and shall obtain from such Magistrate a certificate stating the name and address of the license, the route by which he intends to proceed, the time which such journey is expected to occupy, and the Arms which he is permitted to carry, such certificate shall have the same force and effect according to its tenor in every district or place specified therein as if leave to go armed had been granted by the Magistrate of such district or place.

VI. The foregoing provisions shall not apply to—

1. Officers, Soldiers, and Sailors in the Military or Naval Service of Her Majesty or of the East India Company in respect of Arms and Ammunition kept by them for use in the public service.

2. Members of Volunteer Corps in respect of such Arms and Ammunition.

3. Police and Revenue Officers and other persons in respect of Arms and Ammunition furnished by Government for use in the public service, or provided by themselves with the sanction of Government for such use.

4. Such other persons as the Government may think fit to exempt from such provisions.

5. Arms and Ammunition belonging to any ship or vessels, not exceeding the reasonable armament thereof, shall also be exempt from such provisions.

VII. If any person shall manufacture, repair, sell, or keep or expose for sale any Arms of the description hereinbefore mentioned, or shall manufacture, or sell, or keep or expose for sale percussion caps, gunpowder, or other Ammunition, without a license to manufacture or deal in Arms or Ammunition, as the case may be, or contrary to any of the conditions contained in any such license, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees, in addition to double the value of any Arms or Ammunition sold; and all Arms and Ammunition belonging to the offender shall be forfeited if the convicting Magistrate shall so adjudge.

VIII. Licenses to manufacture or deal in percussion caps shall be granted by the Governor General in Council, or by the Executive Government, or by an Officer specially authorised by the Governor General in Council or by the Executive Government to grant such licenses. Licenses to manufacture or deal in Arms and Ammunition other than percussion caps may be granted by a Magistrate or by an Officer authorised by the Governor General in Council or by the Executive Government to grant such licenses.

IX. Every person licensed to manufacture or deal in Arms, percussion caps, or other Ammunition, shall enter, in a book to be kept by him for that purpose, an account of all the stock-in-trade which he may from time to time have in his

possession or under his control, and also the name and address of every purchaser of Arms or Ammunition sold by him, together with the nature, description, and quantity of such Arms or Ammunition. Such book shall be open at all times to inspection by the Magistrate or other duly authorised Officer, by whom copies may be taken of all entries therein contained. If any such person shall omit or fail duly to keep such a book, or to make therein all such entries as are hereby required, or if any person shall prevent or obstruct the inspection of such book or shall make a false entry therein, he shall be liable for every such offence, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees in addition to double the value of any Arms or Ammunition sold of which he shall fail to make such entry or respecting which he shall make a false entry ; and if the offender be licensed to manufacture or deal in Arms or Ammunition, he shall also forfeit his license, if the convicting Magistrate shall so adjudge.

X. The Magistrate or other Officer authorised by Government may at any time enter the premises in which Arms or Ammunition shall be manufactured or kept by any licensed manufacturer of or dealer in Arms or Ammunition, in order to inspect the stock-in-trade of such manufacturer or dealer ; and if any such manufacturer or dealer shall intentionally conceal from such Magistrate or other Officer as aforesaid any part of his stock-in-trade, or shall wilfully refuse to point out where the same is kept, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees ; and all the stock-in-trade belonging to such person may be seized and shall be confiscated, if the convicting Magistrate shall so adjudge.

XI. Any license granted under the provisions of Section VIII may be granted, subject to such conditions as shall be thought necessary, and may be revoked or suspended by the person or persons authorised to grant such licenses.

XII. No Arms or Ammunition, and no Sulphur or Saltpetre, shall be imported either by sea or by land into any part of the territories in the possession and under the Government of the East India Company, without the license of the Governor General in Council or of the Executive Government.

XIII. If any person shall import or attempt to import without such license, either by sea or by land, into any part of the said territories, any Arms or Ammunition, or any Sulphur or Saltpetre ; or shall aid or assist in such importation, or in such attempt to import ; or shall knowingly conceal or assist in concealing any Arms or Ammunition, or any Sulphur or Saltpetre, imported without such license—he shall be liable, on conviction before a Magistrate, to imprisonment with or without hard labor for any term not exceeding two years, and also to a penalty not exceeding one thousand Rupees ; and the articles so imported shall be confiscated, if the convicting Magistrate shall so adjudge.

XIV. The provisions of the two last preceding Sections shall not extend to Arms and Ammunition imported in reasonable quantities for private use; but the Collector of Customs may at any time detain any such articles, if he shall think it necessary, until he shall receive the orders of Government. Nothing in this Section shall exempt any person from the obligation of giving any notice required by this Act.

XV. The Governor General in Council may by order prohibit the transport of Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, or any particular description of Arms, Ammunition, or Military Srores, from one part of India to another, or the transport thereof in any particular direction to be specified in the order, or prohibit the transport thereof, except according to such rules and conditions as may be specified in the order; and the Executive Government of any Presidency or place shall have the like power within the territories under their Government.

XVI. If any person shall transport or cause to be transported, or shall attempt to transport or cause to be transported, or shall aid in transporting, any Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, contrary to such order or to the rules and conditions specified therein, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees; and the articles transported or attempted to be transported or caused to be transported shall be confiscated. If any person shall by concealment or other device transport or cause to be transported, or attempt to transport or cause to be transported, such Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, he shall, in addition to the penalty hereby provided, be liable upon such conviction to imprisonment with or without hard labor for a term not exceeding two years.

XVII. If any person shall be found carrying or conveying Arms, Ammunition, Military Stores. Sulphur, or Saltpetre in such a manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by such persons with intent to use the same, or that the same may be used for any unlawful purpose dangerous to the public peace, it shall be lawful for any of the Public Officers mentioned in Section V of this Act; or for any other person, to apprehend without warrant the person so carrying or conveying such Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, and to detain such person in custody in order that he may be dealt with according to law. If any person be apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to Magistrate, or Police Officer he shall be delivered over as soon as possible to a Police Officer; and all persons apprehended by or delivered to a Police Officer under the provisions of this Act shall be carried before a Magistrate or other Officer competent by law to punish him for the offence or to commit him for trial.

XVIII. Whenever the Governor General in Council or the Executive Government shall consider it necessary so to do, they may by order prohibit the sale of Sulphur; and any person selling Sulphur contrary to such order shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees; and all Sulphur belonging to such person shall be confiscated, if the convicting Magistrate shall so adjudge.

XIX. The Governor General in Council or the Executive Government may also at any time seize all Sulphur in the possession of any person, and detain the same for such time as they may deem necessary for the public safety.

XX. Nothing in the two preceding Sections shall apply to Sulphur kept or sold in reasonable quantites for medicinal purposes.

XXI. The Government may exempt any person from the provisions of Sections XVIII and XIX upon such conditions, if any such Government may consider necessary.

XXII. The Government may require all persons having in their possession Ammunition or other Military Stores or Sulphur, in any greater quantities than are considered reasonable for private use, to give notice thereof to the Magistrate or other Officer specified by Government, and any person who wilfully neglects to give such notice shall be liable, on conviction before a Magistrate, to imprisonment with or without hard labor for a term not exceeding two years, and shall also be liable to a fine not exceeding five thousand Rupees; and all Ammunition, Military Stores or Sulphur in the possession of such person or upon his premises shall be confiscated.

XXIII. If any Magistrate have reasonable cause for suspecting that Arms, Ammunition, or Sulphur liable to confiscation are in any house, building, or other place, or that any Arms, Ammunition, or Sulphur are in any house, building, or other place in the possession of any person in whose possession they cannot be left with safety to the public peace, he may, with such assistance as he shall think necessary, by night or by day, and by force if necessary, enter and search any such house or place, or cause the same to be entered and searched. It shall be competent to a Magistrate to delegate to any of his European Assistants the power conferred on him by this Section.

XXIV. The Governor General of India in Council, or the Executive Government of any Presidency or place, or the Chief Commissioners of the Punjab and Oude respectively, or the Commissioners of Nagpore and Scinde respectively, or any other persons authorised by Government, may order a general search for Arms, Ammunition, or Sulphur to be made, by any officers or persons named in such order, in any district or place specified therein. The persons authorised by such order, and all persons acting under their authority, shall have the like powers of entry, search and seizure as are conferred by the last preceding Section.

XXV. If, on any search being made, any person shall refuse to produce or point out to the persons making the search, or shall conceal or attempt to conceal, any Arms, Ammunition, or Sulphur, such person may be apprehended without warrant, and shall be liable, on conviction before a Magistrate, to imprisonment with or without hard labor for a term not exceeding two years, in addition to any other penalty to which he may be subject under this Act.

XXVI. After such time as shall be mentioned in the order of Government extending the provisions of this Section to any district or place, or, if no time be mentioned, after one week from the publication of the order in the district or place, no person shall manufacture, use, or have in his possession any cannon, howitzer, or mortar, without a license from the Governor General of India in Council or from the Executive Government of any Presidency or place. If any person shall manufacture, use, or have in his possession any cannon, howitzer, or mortar, without such license, he shall be liable, on conviction before a Magistrate, to a fine not exceeding two thousand Rupees, and to imprisonment for a term not exceeding two years; and such cannon, howitzer, or mortar may be seized and shall be forfeited to Government. Any person who has in his possession any cannon, howitzer, or mortar at the time when this Section takes effect in any district or place, and who shall be unwilling to apply for a license to retain possession thereof, may surrender the same to the Magistrate within such period as aforesaid. The provisions of this Section shall not extend to any cannon, howitzer, or mortar forming part of the ordinary armament of any ship or vessel.

XXVII. Whoever assaults or resists, or aids or assists any person in assaulting or resisting any person in the execution of any power vested in him by this Act shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred Rupees, or to imprisonment with or without hard labor for any term not exceeding six calendar months.

XXVIII. No suit, action, or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act without giving to such person a month's previous notice in writing of the intended action and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of action or other proceeding.

XXIX. If any fine or penalty imposed by a Magistrate under the authority of this Act be not immediately paid, the Magistrate may commit the offender to jail, there to be imprisoned according to the discretion of the Magistrate for any term not exceeding six months where the amount of the fine or penalty shall not exceed five hundred Rupees, and for any term not exceeding twelve months in any other case; the commitment to be determinable in each of the cases aforesaid or payment of the amount.

XXX. Any fine or penalty levied from any person convicted of an offence under this Act, or any portion of such fine or penalty, may be awarded to the person on whose information the conviction shall take place.

XXXI. The word "Magistrate" shall include any person exercising the full powers of a Magistrate: and within the Presidency Towns and in the Straits Settlement all powers of conviction and confiscation upon conviction given by this Act to a Magistrate, shall be exercised by the Police Magistrate; and all other powers given by this Act to a Magistrate may be exercised by the Commissioner of Police, and all notices hereby required to be given to a Magistrate shall in any such Presidency Town or in the Straits Settlement be given to the Commissioner of Police.

XXXII. Whenever in any presidency or place the immediate control and superintendence of the police is vested in any person other than the Magistrate or such Commissioner of Police as aforesaid, the Executive Government may order that all or any of the powers given by this Act to a Magistrate, other than powers of conviction and confiscation upon conviction, shall be exercised by such person, and that all notices hereby required to be given to a Magistrate shall be given to such person.

XXXIII. This Act, or any part or parts thereof, shall take effect in any district or place to which the same shall be extended by order of the Governor General of India in Council or of the Executive Government of any presidency or place.

XXXIV. It shall be lawful for the Governor General in Council or the Executive Government of any Presidency or place from time to time to withdraw from the operation of all or any of the provisions of this Act any part or parts of any district or place which they may previously have declared to be subject thereto; and in like manner as occasion shall require, to subject the same again to the operation of all or any of the provisions of this Act.

XXXV. This Act shall continue in force for two years.

XXXVI. Any officer of Government who, prior to the passing of this Act, may have seized or detained, or prevented the importation of any Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, in pursuance of an order of Government, is hereby indemnified for so doing; and no action or other proceeding shall be commenced or prosecuted in respect of such seizure or detention.

ACT No. XXXII. OF 1857.

Passed on the 28th November 1857.

AN ACT to amend the Articles of War for the Native Army.

WHEREAS it is expedient that, on every conviction of mutiny or desertion, the Government or the Court or other lawful authority by which the offender shall be

convicted should have power to order the offender to be marked: It is enacted as follows:—

I. It shall be lawful for the Government, by any general or special order, to direct that all or any persons or person subject to the Articles of War for the Native Army, who have been or shall be convicted of mutiny or desertion, shall be marked on the left side two inches below the armpit with the lettter M in the case of a conviction of mutiny, and the letter D in the case of a conviction of desertion, either alone, or together with such other mark as the Government may consider necessary for the purpose of identifying the offender at any future time or of denoting the punishment to which he has been sentenced. The letter shall not be less than an inch long; and such letter and other mark shall be made upon the skin, with some ink, gunpowder or other preparation, so as to be visible and conspicuous and not liable to be obliterated.

II. It shall also be lawful for the Court, or other lawful authority by which any person subject to the Articles of War for the Native Army may be convicted of mutiny or desertion, to order, as part of the sentence on such person, that he be marked with the letter M or D as the case may be, which letter shall be made in the manner herein-before directed.

III. The word "Government," as used in this Act, shall mean the Governor General of India in Council, or the Executive Government of the Presidency within which the offender shall have been tried.

IV. Any sentence or order, by which any person subject to the Articles of War for the Native Army may, upon conviction of mutiny or desertion, have been ordered to be marked, shall be deemed valid.

Act No. XXXIII. of 1857.

Passed on the 5th December 1857.

An Act to make further provision relating to Foreigners.

Whereas it is expedient to make further provision to enable the several Governments of the British Territories in India to prevent the subjects of Foreign States from residing or sojourning therein or from passing through or travelling in the same without the consent of the said Governments; It is enacted as follows:

I. Every Foreigner shall, on his arrival in any part of the territories in the possession and under the Government of the East India Company from any port or place not within the said territories, or from any port or place not subject to the provisions of this Act, forthwith report himself to the Commissioner of Police, if he

shall arrive at any of the Presidency Towns; or, if he shall arrive at any other place, to the Magistrate or to such other officer as shall be appointed to receive such reports by the Governor General in Council, or (in places within their respective jurisdictions) by the Executive Government of any presidency or place, or by the Chief Commissioner of Punjab, the Chief Commissioner of Oude, or the Commissioners of Mysore, Coorg, Nagpore, Scinde, Pegu, and the Tenasserim and Martaban Provinces respectively. Provided that nothing contained in this Section shall extend to any foreigner being the Master or Commander of a ship or vessel or employed therein.

II. The report shall be in writing, and shall be signed by the person reporting himself, and shall specify his name or names, the nation to which he belongs, the place from which he shall have come, the place or places of his destination, the object of his pursuit, and the date of his arrival in the said territories; and the report shall be recorded by the Officer to whom it is made.

III. If any person included in the proviso to Section I. shall remain in any part of the said territories after he shall have ceased to be employed in a ship or vessel, he shall forthwith report himself in manner aforesaid.

IV. If any foreigner shall neglect to report himself as required by this Act, he may be dealt with in the manner hereinafter provided in respect of foreigners travelling without a license.

V. No foreigner shall travel in or pass through any part of the territories in the possession and under the Government of the East India Company without a license.

VI. Licenses under this Act may be granted by the Secretary to the Government of India in the Foreign Department, or by the Chief Secretary to the Governments of Fort St. George and Bombay respectively, or by the Chief Commissioner of the Punjab, the Chief Commissioner of Oude, or the Commissioners of Mysore, Coorg, Nagpore, Scinde, Pegu, and the Tenasserim and Martaban Provinces respectively, or by such other Officers as shall be specially authorised so to do by the Governor General of India in Council, or by the Executive Government of any Presidency or place, or by any of the Chief Commissioners or Commissioners aforesaid.

VII. Every such license shall state the name or names of the person to whom the license is granted, the nation to which he belongs, the district or districts through which he is authorised to pass or the limits within which he is authorised to travel, and the period (if any) during which the license is intended to have effect.

VIII. The license may be granted subject to such conditions (if any) as the Governor General in Council or the Executive Government of any Presidency or place or (as regards their several jurisdictions) any of the said Chief Commissioners or Commissioners may by any general order direct, or as the Officer granting the

license may deem necessary; and the license may be revoked at any time by the Governor General in Council or by the Executive Government of any Presidency or place, or by the Officer granting the same.

IX. If any foreigner travel in or attempt to pass through any part of the said territories without such license as aforesaid, or beyond the districts or limits mentioned therein, or after such license shall have been revoked, or shall violate any of the conditions therein specified, he may be apprehended without warrant by a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or by any European Commissioned Officer in the service of Her Majesty or of the East India Company, or by a member of a Volunteer Corps enrolled by authority of Government whilst on duty, or by any Police Officer.

X. If any person be apprehended by a person not being a Magistrate or a Police Officer, he shall be delivered over as soon as possible to a Police Officer, and carried before a Magistrate; and whenever any person shall be apprehended by or taken before a Magistrate, such Magistrate shall forthwith report the case to the Government to which he is subject, and shall cause the person brought before him to be discharged, or to be conveyed to one of the Presidency Towns, or to be detained pending the orders of such Government.

XI. All persons apprehended or detained under the above-mentioned provisions of this Act, may be admitted to bail by a Magistrate or by any of the Officers authorised to grant licenses, and shall be put to as little inconvenience as possible during their detention in custody.

XII. The Governor General in Council or the Executive Government of any Presidency or place, may order any such person to remove himself from the said territories by Sea or by such other route as the Government may direct, or the Government may cause him to be removed from the said territories by such route and in such manner as to the Government shall seem fit.

XIII. The Governor General in Council, or the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI. of this Act, may by writing order any foreigner within his jurisdiction to remove himself from the territories in the possession and under the Government of the East India Company, or to remove himself therefrom by a particular route to be specified in the order.

XIV. If any foreigner ordered to remove himself from the said territories, or ordered to remove himself therefrom by any particular route, shall neglect or refuse so to do; or if any foreigner, having removed himself from the said territories in consequence of an order issued under any of the provisions of this Act, or having been removed from the said territories under any of the said provisions shall wilfully

return to the said territories without a license in writing granted by the Governor General of India in Council, or by the Government or Officer under whose order he shall have removed himself or been removed—such foreigner may be apprehended and detained in safe custody, until he shall be discharged therefrom by order of the Governor General in Council, or of the Executive Government, or of one of the said Chief Commissioners or Commissioners mentioned in Section VI. of this Act, within whose jurisdiction he shall be so apprehended or detained, upon such terms and conditions as the said Governor General in Council, Executive Government, Chief Commissioner, or Commissioner shall deem sufficient for the peace and security of the British Territories, and of the allies of Her Majesty and of the East India Company, and of the neighbouring Princes and States.

XV. The Governor General in Council, or the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI. of this Act, may by order prohibit any person or persons, or any class or classes of persons, not being a natural-born subject or subjects of Her Majesty within the meaning of Section LXXXI. 3 and 4 William IV. C. 85, from travelling in or passing through any part of the said territories or from passing from any part of India to another without a license to be granted by such Officer or Officers as shall be specified in the order; and if such person shall wilfully disobey such order, he may be apprehended without warrant by any of the Officers specified in Section IX. of this Act, and carried before a Magistrate and dealt with under the provisions of Section X. in the same manner as if he were a foreigner; and the Government may order such person to be detained in safe custody, or under the surveillance of the Police, so long as it may be deemed necessary for the peace and security of the British Territories.

XVI. It shall be lawful for the Commissioner of Police, or for a Magistrate or his Assistant, or for any Officer appointed to receive reports as mentioned in the first Section of this Act, or for any Police Officer under the authority of such Commissioner or Magistrate, to enter any ship or vessel in any port or place within the territories in the possession and under the control of the East India Company, in order to ascertain whether any foreigner, bound to report his arrival under Section I. of this Act, is on board of such ship or vessel; and it shall be lawful for such Commissioner of Police, or other Officer as aforesaid, to adopt such means as may be reasonably necessary for that purpose; and the Master or Commander of such ship or vessel shall also, before any of the passengers are allowed to disembark, if he shall be required so to do by such Commissioner of Police, or other Officer as aforesaid, deliver to him a list, in writing, of the passengers on board, specifying the ports or places at which they embarked, and the ports or places of their disembarkation or intended disembarkation, and answer, to the best of his knowledge, all such questions

touching the passengers on board the said ship or vessel, or touching those who may have disembarked in any part of India, as shall be put to him by the Commissioner of Police, or other Officer as aforesaid. If any foreigner on board such ship or vessel in any part of India shall refuse te give an account of his objects of pursuit in India, or if his account thereof shall not be satisfactory, the Officer may refuse to allow him to disembark, or he may be dealt with in the same manner as a foreigner travelling in India without a license.

XVII. Whoever intentionally obstructs any Officer in the exercise of any of the powers vested in him by this Act shall, upon conviction before a Magistrate, be liable to a fine not exceeding one thousand Rupees, or to imprisonment for any term not exceeding six months, or to both.

XVIII. If the Master or Commander of any ship or vessel shall wilfully neglect or refuse to comply with the requisitions of this Act, he shall, on conviction before a Magistrate, be liable to a fine not exceeding two thousand Rupees.

XIX. Whoever shall wilfully give a false answer to any question which by this Act he is bound to answer, or shall make any false report, shall, upon conviction before a Magistrate, be liable to imprisonment for a period not exceeding two years and shall be liable to a fine not exceeding one thousand Rupees.

XX. The word "foreigner" in this Act shall be deemed to mean a person not being either a natural-born subject of Her Majesty within the meaning of Section LXXXI. 3 and 4 William IV. C. 85, or a native of a place in the possession and under the Government of the East India Company. The word "Magistrate" shall include every person exercising the full powers of a Magistrate, and a Justice of the Peace.

XXI. If a question shall arise whether any person alleged to be a foreigner and to be subject to the provisions of this Act is a foreigner or not, or is, or is not subject to the provisions of this Act, the onus of proving that such person is not a foreigner or is not subject to the provisions of this Act, shall lie upon such person.

XXII. This Act shall continue in force for two years; and it shall not extend to the Settlement of Prince of Wales' Island, Singapore, and Malacca, or to the territory of Aden, unless the same shall be specially declared applicable to such Settlement or territory by the Governor General of India in Council.

XXIII. The foregoing provisions of this Act shall not extend to any Foreign Minister duly accredited by his Government nor to any Consul or Vice-Consul, nor to any person under the age of fourteen years, nor to any person in the service of the British Government. The Governor General in Council, or (as regards their respective jurisdictions) the Executive Government of any Presidency or place or any

of the Chief Commissioners or Commissioners mentioned in Section VI. of this Act may exempt any person or any class of persons, either wholly or partially, or temporarily or otherwise, from all or any of the provisions of this Act; and may at any time revoke any exemption.

XXIV. Any Officer of Government or other person who, prior to the passing of this Act, may have done any thing which would have been justified by this Act if it had been in force at the time, is hereby indemnified for so doing; and no action or other proceeding shall be commenced or prosecuted in respect of any thing so done.

ACT No. IV. OF 1858.

Passed on the 28th January 1858.

AN ACT for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

WHEREAS the Governor General in Council has declared that it is expedient that the Governor General should visit the North-Western Provinces of the Presidency of Fort William in Bengal, and other parts of India, unaccompanied by any Member of the Council of India; It is enacted as follows:—

I. During the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which might be exercised by the Governor General in Council in every case in which the said Governor General may think it expedient to exercise those powers.

II. All powers vested in the Governor General in Council by any Act of the Government of India, may be lawfully exercised by the President in Council.

III. This Act shall commence from the day on which it shall be notified by an order published in the *Official Gazette*, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid; and shall not continue in force for a longer period than six months.

ACT No. V. OF 1858.

Passed on the 29th January 1858.

AN ACT for the punishment of certain offenders who have escaped from Jail, and of persons who shall knowingly harbour such offenders.

WHEREAS, during the recent disturbances in the North-Western Provinces and other parts of India, many Jails were broken open and the prisoners who were then detained therein were forcibly released, and many of such prisoners are now at large; and it is expedient to provide for the apprehension of certain of such offenders: and

whereas it is also expedient to make better provision for the punishment of persons convicted of or charged with the commission of heinous offences, who shall hereafter escape from Jail; It is enacted as follows:—

I. Every person who since the 1st of May 1857 hath escaped from Jail or other lawful custody whilst detained under sentence of imprisonment for any of the crimes hereinafter mentioned, and who being at large shall not within one month from the passing of this Act surrender himself to a Magistrate or Police Officer, and make true answer to all such questions as shall be put to him by a Magistrate touching the Jail or other custody from which he escaped and the cause for which he was there detained; and every person who shall hereafter escape from Jail or other lawful custody whilst detained under sentence of imprisonment for any of the crimes hereinafter mentioned—shall upon conviction be sentenced to transportation for life.

II. Every person who since the said 1st day of May 1857 hath escaped from Jail or lawful custody whilst detained under a committal for trial for any of the crimes hereinafter mentioned or under a charge of being guilty of such crime, and who shall not within one month after the passing of this Act, surrender himself to a Magistrate or Police Officer, and make true answer to all such questions as shall be put to him by a Magistrate touching the Jail or other custody from which he escaped and the nature of the charge upon which he was detained; and every person who shall hereafter escape from Jail or other lawful custody whilst detained under such committal for trial or upon such charge as aforesaid—shall, upon conviction of the crime for which he was so committed for trial or in respect of which he was so charged, if not sentenced to the punishment of death, be liable to be transported for life.

III. The following are the crimes referred to in Sections I and II, namely;—rebellion, mutiny, desertion, murder, attempts to murder, thuggee, dacoity, robbery, belonging or having belonged to a gang of thugs or to a gang of dacoits or to a wandering gang associated for the purposes of theft or robbery, and all crimes against person or property attended with great personal violence.

IV. Whoever shall knowingly harbour or conceal, or assist in harbouring or concealing, any such convict or other person who shall have escaped as aforesaid, shall be liable to imprisonment with or without hard labor for any term not exceeding seven years, and shall also be liable to fine.

V. All proprietors of lands, and all farmers, agents, and other persons having the charge or management of lands, are hereby declared accountable for the early communication to the Magistrates and Police Officers of intelligence of the resort, to any place within the limits of the lands held or managed by them, of any person in respect of whom there shall be reasonable suspicion of his being such convict or

prisoner who has escaped as aforesaid; and every proprietor or other person as aforesaid, who shall neglect to give such intelligence, shall be liable, on conviction before a Magistrate, to imprisonment for a term not exceeding six months, and to fine not exceeding two hundred Rupees, commutable, if not paid, to imprisonment for a further term not exceeding six months.

VI. Any Magistrate or person exercising the full powers of a Magistrate, unless prohibited by order of the Executive Government, is hereby authorized, without reference to any other authority, to tender a pardon to any person who may have escaped from Jail or other lawful custody whilst detained under sentence of imprisonment for any crime or offence other than the crimes above-mentioned, on condition of his giving such information as may lead to the apprehension and conviction of one or more person or persons punishable under this Act. Such pardon may be tendered, as well in respect of the crime or offence for which the offender was detained, as of the offence of escaping from Jail.

VII. Offences under this Act, other than those provided for by Section V of this Act, may be tried by a Sessions Judge, or by a Special Commissioner appointed under Act XIV of 1857; and the sentence or judgment shall not be subject to appeal. Provided that nothing contained in this Section shall extend to the trial of a European British subject.

ACT No. VI. OF 1858.

Passed on the 29th January 1858.

AN ACT to authorize the impressment of artisans and laborers for the erection of Buildings for the European Troops in India, and for works urgently required for Military purposes.

WHEREAS, in consequence of the necessity which exists of completing without delay sufficient Buildings for the accommodation of the European Troops in India, and of the difficulty of procuring without compulsion a sufficient number of artisans and laborers for that purpose, it is expedient to authorize as a temporary measure the impressment of such artisans and laborers as may be necessary; and whereas it may be necessary to impress artisans and laborers for the performance of works urgently required for Military purposes or for the defence of public property; It is enacted as follows:—

I. In any District or place to which the provisions of this Act shall be extended by order of the Governor General in Council or of the Executive Government of any Presidency or place, it shall be lawful for any Officer or Officers, authorized in that behalf by the Governor General in Council or by such Executive Government as aforesaid, to impress any native artisans and laborers who, in the judgment of

such Officer or Officers, may be necessary for the erection, completion, alteration, or repair of any building required for the accommodation of European Troops, or for the collection, preparation, or manufacture of materials for that purpose, or for any other work connected with the erection, completion, alteration, or repair of such building; and also to impress such boats, carts, bullocks, or other animals as may be necessary in that behalf: and any such artisan or laborer, boat, cart, bullock, or other animal may be so impressed, whether such artisan or laborer shall be under a contract to work for, or such boat, cart, bullock, or other animal shall have been previously let to hire to, any private person or not.

II. No action or other proceeding shall be commenced or prosecuted against the East India Company, or against Government, or against the Officer ordering the impressment, or against any person acting in his aid or under his orders, for any thing done in pursuance of this Act; nor shall any person who shall be impressed, or whose property shall be impressed under the provisions of this Act, or any other person, be liable to any action or proceeding for the non-performance of any contract which he shall have entered into, and which he shall be prevented from completing by reason of such impressment or of any thing done under the authority of this Act.

III. Every person impressed, or whose property shall be impressed, under this, Act, shall be paid the full market-value of his labor or of the hire of his property, as the case may be, according to such rules as shall from time to time be made by the Executive Government for securing the just and punctual payment thereof; the amount in case of dispute shall be settled by a Magistrate.

IV. If any person with whom any contract shall have been entered into before the passing of this Act, for the personal labor or services of any person impressed under this Act, or for the hire of any boat, cart, bullock, or other animal which may be so impressed, shall sustain damage by reason of any breach of such contract occasioned by any such impressment, or of any thing done under the authority of this Act, he shall be entitled to full compensation for such damage, to be paid by the Government.

V. The claimant shall send in to the Officer by whom or under whose orders the impressment shall be made, a written demand stating the terms of the contract for the breach of which he claims compensation, the date of the contract, the period for which the contract was entered into, the amount of advances (if any) made in pursuance of the contract, the nature of the damage sustained, and the amount of compensation claimed.

VI. A declaration in writing signed by the claimant shall be written on or annexed to the claim, and the claimant shall thereby declare that the statements contained in the claim are true in substance. If any person shall wilfully and corruptly make a false declaration, he shall be liable upon conviction to imprisonment,

with or without hard labor, for a term not exceeding two years, and also to fine. Such conviction may be by a Magistrate, except in the case of European British subjects.

VII. In case any dispute shall arise as to the amount of such compensation, the same shall be determined in a summary way by the Zillah Judge or other Officer exercising the powers of a Judge on the petition of the claimant or of the Officer under whose authority the impressment was made; and the decision of the Judge or other Officer shall be final.

VIII. If any person impressed under this Act shall abscond or conceal himself, or endeavour to abscond or conceal himself; or shall without reasonable cause desert the work upon which he shall be employed by Government before the same shall have been completed; or shall refuse or wilfully neglect to bestow his labor upon such work to the best of his ability: or if any person shall be guilty of any device for the purpose of preventing the impressment of any boat, cart, bullock, or other animal—he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty Rupees, and, in case of non-payment of the fine, may be ordered by the Magistrate to suffer corporal punishment not exceeding fifteen stripes with a ratan. Every such conviction shall be final.

IX. Nothing in this Act shall be deemed to authorize the infliction of corporal punishment upon any European or upon any female.

X. No action or other proceeding shall be brought or prosecuted against the East India Company, or against Government, or against any person, for any impressment before the passing of this Act for any work or other matter for which impressment is authorized by this Act; nor against any person for the breach of any contract occasioned by any such impressment. Every person who shall have been impressed, or whose property shall have been impressed, before the passing of this Act, or who shall have sustained damage by reason of any breach of contract occasioned by such impressment, shall be entitled to the same payment or compensation, to be settled or ascertained in the same manner, as if this Act had been in force at the time of such impressment.

XI. The provisions of this Act shall extend to any works urgently required for Military purposes or for the defence of public property.

XII. The word "Magistrate" shall include every person exercising the full powers of a Magistrate, and every person authorized by the Executive Government to exercise the powers vested in a Magistrate by this Act.

XIII. This Act shall not authorize any impressment to be made after the expiraton of six months from the passing of this Act.

Act No. X of 1858.

Passed on the 19th March 1858.

An Act to authorize the confiscation of villages, the imposition of fines, and the forfeiture of certain offices in cases of rebellion and other crimes committed by inhabitants of villages or by members of tribes; and also to provide for the punishment of proprietors of land who neglect to assist in the suppression of rebellion or in the apprehension of rebels, mutineers, or deserters.

Whereas it is expedient to authorize the confiscation of villages, the imposition of fines, and the forfeiture of certain offices in cases of rebellion and other crimes committed by inhabitants of villages or by members of tribes; and also to provide for the punishment of proprietors of land who neglect to assist in the suppre sion of rebellion or in the apprehension of rebels, mutineers, and deserters; It is enacted as follows:—

I. If it shall be proved to the satisfaction of a Magistrate that the inhabitants of any village within his jurisdiction, or any large number of the inhabitants of such Village, have, since the 1st day of May 1857, been guilty of rebellion, or of waging war against the State, or of murder, or of any of the offences specified in Section II Act XVI of 1857, although the individual offenders cannot be identified; or if it shall be proved to the satisfaction of a Magistrate that any European or American has been murdered or been subjected to any violent personal outrage in any such village, and it shall not be proved to the satisfaction of the Magistrate that the Inhabitants of such Village used all the means in their power to prevent the commission of the offence; it shall be lawful for the Magistrate to impose a fine upon the Inhabitants of such Village, or upon any specified class of the Inhabitants of such Village; the amount of the fine to be fixed with reference to the means of the Inhabitants or class of Inhabitants, and the nature of the offence committed. If the owner or owners of the Village shall not prove to the satisfaction of the Magistrate that he or they used all the means in his or their power to prevent the commission of the offence, the Magistrate may confiscate the Village, either in lieu of, or in addition to, the imposition of such fine upon the Inhabitants. In like manner, if any hereditary Village Officer, employed in the collection of the Land Revenue or in the Police in such Village, shall not prove to the satisfaction of a Magistrate that he used all the means in his power to prevent the commission of the offence, the Magistrate may declare the hereditary office to be forfeited, and may confiscate any land or rights held by him in virtue of such office.

II. If it shall be proved to the satisfaction of a Magistrate that any members of a particular tribe have, since the said 1st day of May 1857, been guilty of any of the above-mentioned offences within the limits of his jurisdiction, although the indi-

vidual offenders cannot be identified, it shall be lawful for the Magistrate to impose a fine upon all the members of the tribe residing at or near the place where the offence was committed or from which the offenders came.

III. It shall also be lawful for a Magistrate to impose a fine upon the inhabitants of any Village within his jurisdiction, if it shall be proved to his satisfaction that, at any time after the passing of this Act, any rebel, mutineer, or deserter, or any person proclaimed by Government as a rebel, or for whose apprehension a reward shall have been publicly offered, or any person who shall have escaped from jail or other custody whilst under sentence of imprisonment or under trial for any offence mentioned in Section III Act V of 1858 *(for the punishment of certain offenders who have escaped from jail and of persons who shall knowingly harbour such offenders)*, has been knowingly harboured or concealed within such Village; or that any arms or other property belonging to the East India Company have been knowingly concealed therein.

IV. The Magistrate may exempt from liability to pay any portion of a fine imposed under the provisions of this Act, any person whom he shall consider entitled to such exemption in consequence of his having delivered up or given such information as shall have led or shall be calculated to lead to the apprehension and conviction of any rebel, mutineer, or deserter, or other person guilty of any of the offences mentioned in Section I of this Act, or to the recovery of any arms or property belonging to the East India Company, or for any other reason which the Magistrate may deem sufficient.

V. If any Zemindar or other proprietor of land, when duly called upon by the Magistrate or by a Darogah or District Police Officer, to render assistance in the suppression of rebellion or the arrest of rebels, mutineers, or deserters, shall refuse or neglect to use all the means in his power for rendering such assistance, the Magistrate, on proof of such refusal or neglect, may impose a fine on the person so offending, or may confiscate his estate or interest in the land.

VI. Whenever a Magistrate shall order the confiscation of a Village, or of any land or rights, or of any estate or interest in land, or the imposition of a fine under this Act, he shall report his proceedings to the Commissioner. The Commissioner may either confirm or modify or annul the order of the Magistrate as he may think fit: provided that he shall not make any order which the Magistrate could not have made.

VII. When any fine is imposed under this Act upon the Inhabitants of a Village or members of a tribe, the amount shall be assessed upon the Inhabitants of the Village or members of the tribe (as the case may be) by a punchayet appointed by the Magistrate, or in such other mode as the Magistrate may direct; and the

assessment, when approved by the Magistrate, shall be final. Notice of the assessment, and of the time fixed by the Magistrate for the payment thereof, shall be given by affixing the same in some conspicuous place in the Village to which the order relates or where the persons liable to the fine reside.

VIII. If the full amount assessed be not paid within the time fixed by the Magistrate, which shall not be less than thirty days from the date of the assessment, the amounts assessed may be levied by order of the Magistrate by distress and sale of the moveable property of the parties liable for the same; and in case no sufficient moveable property shall be found within the Village, any house or immoveable property and any rent-free or other saleable tenure belonging to the defaulter may be sold by order of the Magistrate for the purpose of realizing the amount due from him. In the case of a fine imposed on the Inhabitants of a Village, the Magistrate may direct the Collector to sell the Village for the amount of the assessment remaining unpaid, unless the owner or owners of the Village shall pay such amount. The sale shall be subject to all the rules applicable to sales for the recovery of arrears of Revenue, save that it shall not in any case be necessary to obtain the sanction of the Sudder Board of Revenue or Board of Revenue to such sale. In the event of such sale taking place, or of the owner or owners making good the arrears of assessment to save the Village from sale, he or they may recover the arrears from the parties liable for the same in the same manner in which arrears of rent may be recovered. Provided that, if the sum realized by the sale fall short of the arrears due, the owner or owners of the Village shall not recover more than the amount realized by the sale.

IX. Any confiscation of a Village under Section I of this Act shall have the effect of cancelling all under-tenures in the Village; and shall authorize the ejectment of all tenants or cultivators of land therein; and shall also have the effect of avoiding all incumbrances of the whole or any part of the Village which shall have been created after the date of the commission of the offence mentioned in the Magistrate's order, and all incumbrances created before the date of the commission of the offence if the incumbrancer shall have been in possession at the time, and also all incumbrances made after the passing of this Act unless the same shall have been made and registered three months before the commission of the offence or the day specified in the Magistrate's order as the date of the commission of the offence: and every sale of a Village under this Act shall have the same effect as a confiscation, except that it shall cancel such under-tenures only as belong to persons who have made default in payment of the amount assessed upon them.

X. All the provisions of this Act, which authorize the imposition and assessment of a fine upon the Inhabitants of a Village, shall extend to the Inhabitants of any Mohulla or Division of a City or Town; and the amount of any fine imposed

under this Section, if not paid, shall be levied by order of the Magistrate by distress and sale of the moveable property of the parties liable for the same; and in case no sufficient moveable property shall be found within the Mohalla or Division, any house or immoveable property and rent-free or other saleable tenure belonging to the defaulter may be sold by order of the Magistrate for the purpose of realizing the amount.

XI. Any fine imposed under Section V of this Act may be recovered in the manner above prescribed for the recovery of assessments, or by sale of the estate of the person liable to the fine; and such sale shall be made by the Collector on the requisition of the Magistrate, and shall be subject to all the rules applicable to the sale of estates for demands recoverable by the same process as arrears of Revenue, save that it shall not in any case be necessary to obtain the sanction of the Sudder Board of Revenue or Board of Revenue to such sale.

XII. No appeal shall lie from any order passed by a Magistrate in carrying out the provisions of this Act; but except as otherwise provided, all orders and proceedings of the Magistrate shall be subject to the revision and control of the Commissioner, whose order shall be final.

XIII. If the Governor General in Council or the Executive Government shall see fit to remit any confiscation under this Act, all persons affected by such confiscation shall be restored to their rights as if no such confiscation had ever taken place.

XIV. No action or other proceeding shall be commenced or prosecuted against any person for any thing done under the authority of this Act.

XV. This Act shall take effect only in those Districts or places to which it shall be extended by order of the Governor General in Council or of the Executive Government of any Presidency or place. In the event of this Act being extended to any districts or places subject to the Presidency of Fort St. George or to the Presidency of Bombay, the powers vested by this Act in the Commissioner shall be exercised by such Officer or Officers as the Executive Government may appoint; and all reports required to be made to the Commissioner shall be made to such Officer or Officers.

XVI. The word "Magistrate" shall include every person authorized by the Executive Government to exercise the powers vested in a Magistrate by this Act; and the word "European" shall include any person usually designated a European British subject.

XVII. This Act shall continue in force for two years.

Act No. XI of 1858.

Passed on the 4th April 1858.

An Act to authorize the infliction of corporal punishment in certain cases.

Whereas, in consequence of the destruction of the Jails in many parts of India, and the want under existing circumstances of means for the confinement of Convicts and for the due enforcement of prison-discipline, it is expedient to authorize the substitution of corporal punishment for imprisonment in certain cases; It is enacted as follows :—

I. If any person shall be charged before a Magistrate with having committed any of the offences hereinafter mentioned, it shall be lawful for such Magistrate, in lieu of committing the offender for trial, or sentencing him to any other punishment to which he may be liable, to sentence the offender upon conviction to corporal punishment not exceeding thirty stripes with a ratan. The offences are—robbery not attended with aggravating circumstances, burglary, theft, knowingly receiving stolen or plundered property, wilful destruction of or injury to property, and the attempt to commit any of the above-mentioned offences.

II. It shall also be competent to a Magistrate to impose a fine not exceeding five hundred Rupees on conviction for any offence under Section XXV Act XXVIII of 1857; and in such case, as well as in any case in which a fine shall be imposed under the provisions of Section VIII Act XI of 1857, or of Section XVI, Section XXII, or Section XXVII Act XXVIII of 1857, or for assaults or affrays, it shall be lawful for the Magistrate to order that corporal punishment, not exceeding thirty stripes with a ratan, shall be inflicted on the offender in lieu of the fine, in case such fine be not paid. In any case in which the Magistrate shall make such order, he shall not sentence the offender to imprisonment in addition to the fine.

III. Nothing in this Act shall be deemed to authorize the infliction of corporal punishment upon any European or American or upon any female.

IV. The word "Magistrate" shall include any person lawfully exercising the full powers of a Magistrate, and also any Assistant to a Magistrate or Deputy Magistrate specially authorized by the Executive Government to exercise the powers vested in a Magistrate by this Act; and the word "European" shall include any person usually designated a European British subject.

V. This Act shall take effect only in the Districts or places to which the Governor General in Council or the Executive Government of any Presidency or place shall think it necessary to extend it.

VI. This Act shall continue in force for two years.

Act No. XIII of 1858.

Passed on the 4th April 1858.

An Act for the punishment of persons who unlawfully possess or conceal arms or other property belonging to Her Majesty or to the East India Company.

Whereas it is expedient to provide for the punishment of persons who shall knowingly and unlawfully have in their possession or conceal arms, horses, or other property belonging to Her Majesty or to the East India Company; It is enacted as follows:—

I. In any District to which the provisions of this Act shall be extended by order of the Governor General in Council or the Executive Government of any Presidency or place, the Magistrate shall issue a proclamation calling upon all persons within his District, having in their possession any arms, ammunition, horse or other animal, or any Government Stamps, or other property belonging to Her Majesty or to the East India Company, to deliver up the same to the Magistrate or at the nearest Police Station within a time to be fixed by the proclamation; and whoever, after the expiration of the time so fixed, shall without lawful or reasonable excuse have in his possession any arms, ammunition, horse or other animal, or any Government Stamps, or other property, knowing the same to belong to Her Majesty or to the East India Company, shall on conviction be liable to the punishment of transportation for life or of imprisonment with hard labor for a term not exceeding fourteen years, either with or without fine, or to a fine alone, or to corporal punishment not exceeding thirty stripes with a ratan.

II. After any such proclamation shall have been issued, whoever having in his possession any such property as aforesaid, knowing it to belong to Her Majesty or to the East India Company, shall, without lawful or reasonable excuse, conceal or attempt to conceal the same, or neglect to deliver it up as required by the proclamation, shall be liable on conviction to the punishment provided by the preceding Section.

III. For offences under this Act, the offender may be tried and sentenced by a Sessions Judge or by a Special Commissioner appointed in the manner provided by Act XIV of 1857; and the sentence or judgment shall not be subject to appeal. Provided that a European British subject shall not be tried under the provisions of this Act.

IV. Nothing in this Act shall be deemed to exempt any person from any punishment to which he may be liable under Act XVI of 1857.

V. This Act shall continue in force for the period of two years from the time of the passing thereof.

Act No. XX. of 1858.

Passed on the 18th May 1858.

An Act to facilitate the recovery of land and other real property, of which possession may have been wrongfully taken during the recent disturbances in the North-Western Provinces of the Presidency of Bengal.

Whereas there is reason to believe that, during the recent disturbances in the North-Western Provinces of the Presidency of Bengal, many persons have, without authority of law, been dispossessed of land or other real property; and it is expedient to provide a more easy and speedy means whereby they may obtain redress than is afforded by the ordinary remedy of a regular Civil action; It is enacted as follows:—

I. It shall be lawful for the Executive Government of the North-Western Provinces of the Presidency of Bengal, to appoint one or more Special Commissioners for the summary determination of cases of wrongful dispossession of land or other real property in any part of the territories subject to its jurisdiction; and to assign, from time to time, such local jurisdiction to the Special Commissioner or Commissioners so appointed as may appear proper.

II. Whenever any Special Commissioner, appointed under this Act, shall be vested, by order of such Executive Government, with jurisdiction, in any District or Districts or in any part or parts of any District or Districts, notice thereof shall be given by a written proclamation, of which copies shall be affixed in the several Courts and in the Offices of the several Collectors and Magistrates of such District or Districts; and the powers heretofore vested in the Courts of such District or Districts, in respect of all cases cognizable by the Special Commissioners appointed under this Act, shall be suspended until such Courts shall be informed, by an order under the signature of the Secretary to Government, that the local jurisdiction of the Special Commissioner has ceased, of which notice shall be given by proclamation in the manner aforesaid. Provided that nothing in this Section shall interfere with the trial and decision of any case which may be pending before any Court at the time of the passing of this Act, unless such case be transferred for trial and decision to a Special Commissioner appointed under this Act.

III. Any case pending before any Court sitting as a Court of original jurisdiction at the time of the passing of this Act, in respect of a matter made cognizable by a Special Commissioner appointed under its provisions, shall, on the application of the party complaining, be transferred to the Special Commissioner within the limits of whose jurisdiction the property in dispute is situate; and such Commissioner shall summon the Defendant and proceed to dispose of the case in the same manner as if it had been instituted before himself.

IV. The Special Commissioners appointed under this Act may hold a Court at any place within the limits of their jurisdiction, which may appear most convenient for the trial of cases brought before them.

V. Whenever any Special Commissioner shall be vested with jurisdiction under this Act, such Commissioner shall issue a proclamation requiring all persons within the limits of his jurisdiction who may, without authority of law, have taken possession of any land or other real property, situated within such limits, subsequently to the 10th May 1857, to deliver up the same, within a period to be fixed in the proclamation, to the party who was in possession at the time when such unlawful possession was taken; and warning all persons that, in the event of their failing to comply with such requisition, and of its being afterwards proved, on the complaint of the party ousted, that they had, without authority of law, taken possession of the land or other real property mentioned in the complaint subsequently to the said 10th May 1857, and that they continue in possession of the same, they will not only be ejected from such land or other real property, and be compelled to account for any mesne profits that may have accrued during the period that they may have held possession thereof, but will also be liable to such punishment as the Special Commissioner may award under the powers vested in him by this Act. Copies of such proclamation shall be affixed in the Court of the Special Commissioner, and in the several Courts and in the Offices of the several Collectors and Magistrates of the District or Districts to which the jurisdiction of the Special Commissioner may extend.

VI. After the expiration of the period mentioned in the proclamation, any person who may, without authority of law, have been dispossessed of any land or other real property subsequently to the said 10th May 1857, may apply to the Commissioner, within whose jurisdiction such land or other real property is situate, to be re-instated in the possession of the same. The application may be written on plain paper, and shall contain the following particulars :—

1. Name, description, and place of abode of the Plaintiff.
2. Name, description, and place of abode of the Defendant.
3. The subject of the complaint, the title under which the Plaintiff claims to have been in possession thereof, and the date on which he was dispossessed.

VII. Whenever such application may be made, the Special Commissioner shall examine the Plaintiff on oath or solemn affirmation as to the truth of his complaint; and if satisfied that there is probable cause for instituting the complaint, he shall issue a summons requiring the Defendant to appear and make defence in person on a day to be fixed in the summons; or if he see sufficient cause for so doing, he may issue his warrant for the arrest of the Defendant and for his being brought before his Court on a day to be fixed in the warrant. Provided that the

Special Commissioner may, for any good or sufficient reason, excuse the Plaintiff or Defendant from attending his Court in person and allow him to appear by a duly authorized representative who may be examined instead of such Plaintiff or Defendant.

VIII. On the day fixed for the appearance of the Defendant, the parties shall bring their witnesses into Court, together with any documents on which they may intend to rely in support of their respective statements; and if either party require the assistance of the Special Commissioner to procure the attendance of a witness on such day, he shall apply to the Special Commissioner in sufficient time before the day fixed for the appearance of the Defendant, and the Special Commissioner shall issue a subpœna requiring such witness to attend his Court on that day.

IX. On the day fixed for the appearance of the Defendant, or as soon after as may be practicable, the Special Commissioner shall proceed to examine the parties or their representatives (in cases where personal attendance is excused) or such of them as may be present, and their witnesses; and if, upon such examination, and after inspecting the documents of the parties, and making any further enquiry which may appear to him necessary, the Special Commissioner shall be of opinion that the complaint is substantiated, he shall order the Plaintiff to be put again into possession of the property in dispute, and to be maintained in possession thereof; he may also adjudge the Plaintiff to be entitled to recover from the Defendant mesne profits for the period during which the Defendant may be found to have been in possession of the property. It shall further be lawful for the Special Commissioner, on proof that the Defendant continued in possession of the property in dispute after the expiration of the period fixed by the proclamation, to sentence him to imprisonment in the Criminal Jail with or without labor for a period not exceeding seven years, or to a fine, or to both imprisonment and fine.

X. The provisions of the Regulations and Acts for procuring the attendance of witnesses, and for the examination, remuneration, and punishment of witnesses in suits before the Civil Courts, shall be of equal force and effect in complaints tried under this Act.

XI. The order of the Special Commissioner for giving possession of the whole or any portion of the land or other real property to which the complaint may relate, shall be immediately executed; and it shall be competent to the Special Commissioner to call in the aid of the Magistrate, if necessary, for the purpose of enforcing the same. If the order adjudge the Defendant to be liable to pay to the Plaintiff mesne profits, it shall specify the period for which the same shall be paid, and the Commissioner shall refer the case to the Collector to adjust the amount. In cases so referred, it shall be competent to the Collector to levy the amount which

may be awarded by him, and also the amount of any fine which may have been imposed by the Special Commissioner upon the Defendant, by the same process as is authorized for the recovery of arrears of the public revenue. All proceedings of a Collector under this Section shall be subject to the control and revision of the next superior Revenue authority, whose order shall be final.

XII. All orders passed by a Special Commissioner in cases cognizable under this Act, shall be final; but nothing in this Act shall be held to preclude either of the parties to the case from instituting a regular suit to establish his right to the property in dispute, under the rules applicable to regular Civil actions.

XIII. This Act may be extended by the Governor General in Council, or by the Executive Government of any Presidency or place, to any District or Districts within the limits of their respective Governments in which disturbances shall have taken place subsequently to the said 10th May 1857; and it shall be lawful for the Governor General in Council or such Executive Government to exercise, in the District or Districts to which this Act may be so extended, all the powers vested by this Act in the Executive Government of the North-Western Provinces.

XIV. This Act shall continue in force for the period of three years.

Act No. XXII of 1858.

Passed on the 2nd June 1858.

An Act to continue in force for a further period Acts XIV of 1857, XVI of 1857, and XVII of 1857, and to authorize in certain cases the transportation of offenders sentenced to imprisonment.

Whereas it is expedient that Acts XIV of 1857, XVI of 1857 and XVII of 1857 should continue in force until the end of the year 1859; and that, in certain cases, offenders sentenced to imprisonment under the said Acts should be transported beyond the Sea; It is enacted as follows:—

I. Acts XIV of 1857, XVI of 1857, and XVII of 1857 shall continue in force until the end of the year 1859.

II. Unless the Governor General in Council shall otherwise order, whenever any Court or other Officer shall sentence an offender under any of the said Acts to imprisonment for a term exceeding three years, it shall be lawful for such Court or other Officer at the same time to order that the offender be transported beyond Sea for such term.

Act No. XXIV of 1858.

Passed on the 22nd June 1858.

An Act to continue for six months the privileges granted by Act I of 1844 to certain members of the family, household, and retinue of his late Highness the Nabob of the Carnatic.

Whereas a Bill to continue certain privileges and immunities to the family and retainers of his late Highness the Nabob of the Carnatic, was read a second time in the Legislative Council and referred to a Select Committee of the said Council on the 5th day of June 1858; and whereas, according to the Standing Orders of the said Council, such Bill must be published twelve weeks before the Select Committee can report thereon; and whereas the protection granted by Act XVIII of 1857 to certain members of the family, household, and retinue of the said late Nabob will expire on the 4th day of July 1858, and it is expedient that such protection should be continued until after the Report of the Select Committee upon the above-mentioned Bill shall have been presented to, and the said Bill shall have been fully considered by the Legislative Council; It is enacted as follows:—

I. No writ or process shall, at any time within the period of six months from the time of the passing of this Act, be sued forth or prosecuted against the person, goods, or property of any person whose name was included in any list which was published under the provisions of the said Act I of 1844, and which was in force and effect for the purpose of the said Act at the time of the death of his said late Highness the Nabob of the Carnatic, unless such writ or process shall be sued forth or prosecuted with the consent of the Governor in Council of Fort Saint George first had and obtained, such consent to be testified by the signature of the Secretary or one of the Secretaries of Government.

II. Every writ or process, which shall be sued forth or prosecuted contrary to the provisions of this Act, shall be utterly null and void.

Act No. XXVI. of 1858.

Passed on the 7th July 1858.

An Act to make further provision for the trial and punishment of offences against the State.

Whereas it is expedient to make further provision for the trial and punishment of offences against the State; It is enacted as follows:—

I. If any person, owing allegiance to the British Government, shall collect men, arms, or ammunition, or otherwise prepare to levy war, with the intention of either levying or being prepared to levy war against the Queen or the East India

Company, or shall instigate any other person to commit such offence, or shall knowingly aid in the commission thereof, such person shall be liable to the punishment of death, or to the punishment of transportation for life or of imprisonment with hard labor for any term not exceeding fourteen years; and shall also forfeit all his property and effects of every description.

II. Whoever shall knowingly harbour or conceal any person who shall have been guilty of any of the offences mentioned in the preceding Section, shall be liable to imprisonment, with or without hard labor, for any term not exceeding seven years; and shall also be liable to fine.

III. If any person, having knowledge of the commission of any of the offences mentioned in Section I. Act XI of 1857 or in Section I of this Act, shall conceal the fact or shall neglect to declare and make known the same to the Governor General in Council, or to the Executive Government of the Presidency or place, or to the Magistrate or person exercising the powers of a Magistrate in the District in which such offence shall be committed or such person shall be, he shall be liable to imprisonment, with or without hard labor, for a term not exceeding seven years; and shall also be liable to fine.

IV. All the provisions of Acts XI of 1857, XIV of 1857, and XXII of 1858, applicable to offences included in Sections I and II Act XI of 1857. shall be applicable to the offences specified in this Act.

V. Nothing in this Act contained shall extend to the trial or punishment of any of Her Majesty's natural born subjects born in Europe, or of the children of such subjects.

VI. This Act shall continue in force until the end of the year 1859.

Act No. XXVII of 1858.

Passed on the 27th July 1858.

An Act to continue in force for a further period of six months Act IV of 1858, for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

Whereas the Governor General has represented that it is expedient that he should be enabled to prolong his absence from Calcutta, and that the said Act should be continued for a further period of six months; It is enacted as follows;—

I. Act IV of 1858 shall continue in force for the period of six months from the 30th day of July 1858.

ACT No. IV OF 1859.

Passed on the 10th February 1859.

AN ACT to make further provision for the removal of Prisoners.

WHEREAS, by the laws in force, the Executive Government of any Presidency or place is authorized to order the removal of any person under sentence of imprisonment, from the prison or place in which he is confined, to any other public prison or place of confinement within the same Presidency or Government; and whereas it is expedient to make temporary provision for the removal of prisoners in certain cases beyond the limits of the Presidency or Government in which the place where such prisoners are confined is situate; It is enacted as follows:—

I. Whenever it shall be judged necessary or expedient that any person who has been convicted of any offence and sentenced to imprisonment for life or for any term exceeding three years, should be removed to some place of confinement beyond the limits of the Presidency or Government within which he is confined, it shall be lawful for the Governor General in Council, or for the Executive Government of the Presidency or place with the sanction of the Governor General in Council to order the removal of such person from the prison or place in which he is confined to any other prison or place of confinement within any part of the territories which are or may become vested in her Majesty by the Statutes 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India."

II. This Act shall continue in force for one year.

III. Any prisoner who, previously to the passing of this Act, shall have been removed in manner aforesaid from any prison or place of confinement to any other prison or place of confinement in the said territories, shall be held to have been lawfully removed.

ACT No. VIII OF 1859.

Passed on the 22nd March 1859.

AN ACT for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.

23. Every process required to be issued under this Act, shall be served at the expense of the party at whose instance it is issued, unless otherwise specially directed by the Court; and the sum required to defray the cost of such service shall be paid into Court before the process is issued.

33. If it appear to the Court that the cause of action did not arise, or that the defendant is not dwelling or personally working for gain within the limits of the jurisdiction of the Court, or if the claim relate to land or other immoveable pro-

perty, that such land or other property is not situate within such limits, the Court shall return the plaint to the plaintiff in order to its being presented in the proper Court.

130. If the exhibit be a deed, instrument, or writing chargeable with stamp duty under any Regulation or Act for the time being in force, and it shall appear to the Court that the deed, instrument, or writing, although written on stamp paper, does not bear a sufficient stamp, the Court shall nevertheless receive the same in evidence saving all just exceptions on other grounds, if the party producing it or requiring its production shall pay into Court the deficiency of the stamp duty and a penalty equal to ten times the amount of the deficiency. Provided that, if it shall appear to the Court that there are reasonable grounds for believing that the deed, instrument, or writing was not properly stamped with the intention of evading the stamp laws, the Court may reject the same.

131. An entry of the fact of such payment and of the amount thereof shall be made in a book to be kept in the Court, and shall also be endorsed on the back of such deed, instrument, or writing under the signature of the Judge of the Court. The Court shall at the end of every month make a return to the Collector of Revenue of the District of the monies, (if any) which it has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the suit, and the name of the party from whom such monies were received, and the date (if any) and description of the document, for the purpose of identifying the same; and the Court shall pay over the said monies to the Collector of Revenue, or to such person as he may appoint to receive the same; and the Collector of Revenue, or other proper authority, shall, upon production of the deed, instrument, or writing, with the endorsement hereinbefore mentioned, cause such additional stamp as may be necessary to be affixed to such deed, instrument, or writing in respect of the sums so paid as aforesaid.

193. When the suit is for a sum of money due to the plaintiff, the Court may in the decree order interest to be paid on the principal sum adjudged from the date of suit to the date of payment at such rate as the Court may think proper.

215. The Court, on receiving any application for execution of a decree, containing the particulars above mentioned, or such of them as may be applicable to the case, shall cause the same to be compared with the original decree contained in the record of the suit, and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree the Court shall either return the application for correction to the person making it, or shall, with the consent of such person, cause the necessary correction to be made.

If the application be admitted, the Court shall order execution of the decree according to the nature of the application.

274. Upon such application being made, the Court shall examine the applicant in the presence of the plaintiff or his pleader as to his then circumstances, and as to his future means of payment, and shall call upon the plaintiff to show cause why he does not proceed against any property of which the defendant is possessed and why the defendant should not be discharged; and should the plaintiff fail to show such cause, the Court may direct the discharge of the defendant from custody. Pending any enquiry which the Court may consider it necessary to make into the allegations of either party, the Court may leave the defendant in the custody of the Officer of the Court to whom the service of the warrant was entrusted, on the defendant making the necessary deposit for paying the fees of such Officer; or if the defendant furnish good and sufficient security for his appearance at any time when called upon while such enquiry is being made, his surety or sureties undertaking in default of such appearance to pay the amount mentioned in the warrant, the Court may release the defendant on such security.

283. All questions regarding the amount of any mesne profits which by the terms of the decree may have been reserved for adjustment in the execution of the decree, or of any mesne profits or interest which may be payable in respect of the subject matter of a suit between the date of the institution of the suit and execution of the decree, as well as questions relating to sums alleged to have been paid in discharge or satisfaction of the decree or the like, shall be determined by order of the Court executing the decree and not by separate suit; and the order passed by the Court shall be open to appeal.

332. Except when otherwise expressly provided in this or any other Regulation or Act for the time being in force, an appeal shall lie from the decrees of the Courts of original jurisdiction to the Courts authorized to hear appeals from the decisions of those Courts. If the appeal lie to the Sudder Court, it shall be heard and determined by a Court consisting of three or more Judges of that Court.

339. When an order is made for the execution of a decree against which an appeal has been preferred, it shall be lawful for the Court which pronounced the decree to require security to be given for the restitution of any property which may be taken in execution of the decree or of the value thereof, and for the due performance of the decree or order of the Appellate Court.

358. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the suit, examining the parties or their pleaders, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

375. If the application be not drawn up in the manner hereinbefore prescribed, the Court may reject it or may return it to the party for the purpose of being corrected. When the application is correctly drawn up, it shall be registered in a book to be kept for that purpose, which shall be in the form contained in the Schedule D hereunto annexed, and the case shall proceed in all other respects as a regular appeal, and shall be subject to all the rules hereinbefore provided for such appeals so far as the same may be applicable.

381. The Suddér Court shall have power to make and issue general rules for regulating the practice and proceedings of the subordinate Civil Courts, and also to frame forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, and for keeping all books, entries, and accounts to be kept by the Officers, and from time to time to alter any such rule or form; provided that such rules and forms be not inconsistent with the provisions of this Act or of any other law in force.

Act No. X of 1859.

Passed on the 29th April 1859.

An Act to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal.

XXVI. When rent is payable by an under-tenant or ryot at a certain rate or rates according to the quantity of land held or cultivated by him, or when any written engagement conditioned for the payment of a certain amount of rent on account of land held or cultivated by an under-tenant or ryot has expired or become cancelled by the sale for arrears of revenue or rent of the estate or tenure in which the land is situate, the person to whom the rent is payable has a right to measure such land for the purpose of ascertaining the quantity of land actually held or cultivated by such under-tenant or ryot, and every proprietor of an estate or tenure has a right of making a general survey or measurement of the lands comprised in such estate or tenure unless restrained from doing so by express engagement with the occupants of the lands. If any person intending to measure any land which he has a right to measure is opposed in making such measurement by the occupant of the land, or if any under-tenant or ryot, having received notice of the intended measurement of land held or cultivated by him which is liable to such measurement, refuses to attend and point out such land, such person may make application to the Collector, and the Collector shall thereupon proceed to enquire into the case in the manner provided for suits under this Act, and shall pass an order either allowing or disallowing the measurement, and if the case so require, enjoining or excusing the attendance of any such under-tenant or ryot. If any under-tenant or ryot after the

issue of an order enjoining his attendance neglects to attend, it shall not be competent to him to contest the correctness of the measurement made in his absence.

XXXVII. In suits for the recovery of arrears of rent or of money in the hands of an agent, the statement of claim shall be written on paper bearing a stamp of one-fourth the value prescribed for suits instituted in the Civil Court. In all other suits the statement shall be written on paper bearing a stamp of the value of eight annas. No stamp shall be required in respect of the production or filing of any document, or the summoning of any witness, or of any application for the execution of any order or judgment passed in a suit under this Act.

XL. If the suit be for the recovery of an arrear of rent, the statement shall specify the name of the village and estate and of the pergunnah or other local division in which the land is situate; and if the arrear is alleged to be due from any ryot, the quantity of land, and where fields have been numbered in a Government Survey, the number of each field, the yearly rent of the land, the amount (if any) received on account of the year for which the claim is made, the amount in arrear, and the time in respect of which it is alleged to be due.

LXXIV. The defendant in any action under this Act may pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment and such sum shall be paid to the plaintiff. If the defendant deposit less than the sum claimed and the plaintiff elect to proceed in the case, and ultimately recover no further sum than shall have been paid into Court, the plaintiff shall be charged with any costs incurred by the defendant in the suit after such payment.

LXXIX. The Collector shall pronounce judgment in open Court. The judgment shall be written in the Vernacular language of the Collector and shall contain the reasons for the same and shall be dated and signed by the Collector at the time when it is pronounced.

LXXXVI. Process of execution may be issued against either the person or the property of a judgment-debtor; but process shall not be issued simultaneously against both person and property. Process of execution against the person or moveable property of a debtor shall be in the form (E) or (F) contained in the Schedule to this Act, or to the like effect.

CL. All the powers vested in the Collector by the preceding Sections of this Act may be exercised by any Deputy Collector in cases referred to him by a Collector, and in all cases without such reference, by any Deputy Collector placed in charge of any Sub-division of a district; and all applications and reports allowed or required by this Act to be made to the Collector may be made to any Deputy Collector having such local jurisdiction.

CLXII. Suits under this Act shall be preferred in the Revenue Office of the District, or when a Sub-division of a District has been placed under the jurisdiction of a Deputy Collector, in the Revenue Office of the Sub-division in which the cause of action shall have arisen. Provided always that the Collector may withdraw any suit from any Deputy Collector and try it himself, or refer it to another Deputy Collector. If the lands comprised in any talook, farm, or other tenure, or any lands held under one lease or engagement or at one entire rent in respect of which arrears of rent may be due, are situated in more than one District or Sub-division, the District or Sub-division in which the greater part of such lands is situate shall be held to be the District or Sub-division in which the cause of action has arisen; and if any question shall be raised respecting the District or Sub-division in which the greater part of the land is situate, the Board of Revenue, or if all the lands be situate in one District the Collector of the District shall decide the question, and such decision shall be conclusive on the point of jurisdiction.

ACT No. XI OF 1859.

Passed on the 4th May 1859.

AN ACT to improve the law relating to sales of Land for arrears of Revenue in the Lower Provinces under the Bengal Presidency.

XLV. Application for registry of existing tenures and farms must be made within three years after the passing of this Act. Application for the registry of tenures created after the passing of this Act must be made within three months from the date of the deed constituting the tenure.

LIX. The Collector on the part of the Government shall be entitled to demand from applicants under Sections X and XI, Sections XV and XVI, and Sections XL, XLIII, and XLIV of this Act, fees not exceeding the rates specified in Schedule B to this Act annexed, which Schedule shall be taken as part of this Act; and applications under the said Sections shall not be received unless the said fees are tendered therewith.

ACT No. XVI OF 1859.

Passed on the 18th June 1859.

AN ACT to explain Act XXX of 1858 (to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic.)

WHEREAS doubts have arisen whether certain debts contracted by Prince Azeem Jah Bahadoor during the infancy of the late Nabob of the Carnatic were debts or claims within the meaning of Section XIV or any subsequent Section of Act XXX

of 1858; and whereas it is expedient to remove such doubts as well as other doubts which exist as to the power of the Supreme Court of Judicature at Madras to award costs in investigations under Section XXII of the said Act, and as to whether cases so investigated are appealable to Her Majesty in Council; It is declared and enacted as follows:—

I. No debt contracted by the said Prince Azeem Jah Bahadoor during the minority of the said late Nabob shall be deemed a debt or claim within the meaning of the said Section XIV or any subsequent Section of the said Act, unless it shall be proved that it was necessary and proper that such debt should be incurred on behalf or for the use of the said Nabob, and that the same was so contracted; or unless the Governor in Council of Fort Saint George shall dispense with such proof.

II. Upon any investigation under Section XXII of the said Act, it shall be lawful for the Court, except as otherwise provided by the said Act, to award costs to either party and to cause the same to be levied in the same manner as costs in an ordinary suit.

III. It is hereby declared that it was not the intention of the said Act to exclude from appeal to Her Majesty in Council any awards, orders or decisions of the said Supreme Court made upon any investigation under Section XXII as aforesaid.

Act No. XIX of 1859.

Passed on the 12th August 1859.

An Act to continue in force until the end of the year 1859 Act XXVIII of 1857.

Whereas it is expedient that Act XXVIII of 1857 *(relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same)* should continue in force until the end of the year 1859; It is enacted as follows:—

I. Act XXVIII of 1857 shall continue in force until the end of the year 1859.

Act No. XX of 1859.

Passed on the 31st August 1859.

An Act for the suppression of Outrages in the District of Malabar in the Presidency of Fort St. George.

Whereas in the District of Malabar in the Presidency of Fort St. George, murderous outrages have been frequently committed by persons of the class called Moplas, the offenders in such outrages intending therein to sacrifice their own lives;

and the General Law of the country is not adequate to suppress such outrages; It is enacted as follows :—

I. Act XXIII of 1854 *(for the suppression of outrages in the District of Malabar in the Presidency of Fort St. George)* and Act V of 1856 *(to give effect to Act XXIII of* 1854 *from the time of its promulgation in the District of Malabar and to extend the application thereof in future)* are hereby repealed, except as to acts done and proceedings taken before the issue of a proclamation under the provisions of Section II of this Act.

II. It shall be lawful for the Governor in Council of Fort St. George, whenever he shall see fit, by a proclamation published in the Fort St. George Gazette, from time to time to declare the whole or any part or parts of the District of Malabar to be subject to the operation of all or any of the following provisions.

III. Any Mopla, who murders or attempts to murder any person, or who takes part in any outrage directed by Moplas against any persons wherein murder is committed or is attempted to be committed, or is likely to be committed; and any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same; or who, after having committed, or having been accessary to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him; or who shall join or assist, or incite or encourage other persons to join or assist in such resistance; shall, on conviction thereof, be liable not only to the punishment provided by law for the offence of which he may be convicted, but also to the forfeiture of all his property, of whatever kind, to Government, by the sentence of the Court by which he is tried; and whenever any person shall be killed in the act of committing any such offence as aforesaid, or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the Court which would have had cognizance of the offence if the offender could have been brought to trial, to proceed, on the application of the Magistrate, to hold an inquest into the circumstances of the death of the offender; and on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government.

IV. All immoveable property of the offender which shall be alienated after the passing of this Act and before the commission of any offence specified in Section III, shall be forfeited in the same manner as if no such alienation had been made, unless the same shall have been made more than twelve months before the commission of the offence.

V. If any Mopla shall be sentenced to death for any capital offence, punishable also with forfeiture of property under this Act, it shall be lawful for the Court,

by which such offender is convicted, by its sentence to direct the body of such offender to be burned or buried within the precincts of the Jail, as it shall see fit; and in like manner, if any Mopla shall be killed in the act of committing any such offence as aforesaid, or having committed any such offence as aforesaid shall be killed in resisting a lawful attempt to apprehend him, it shall be lawful for the Magistrate to cause the body of the person so killed to be burned or buried within the precincts of the Jail, as the said Magistrate shall see fit.

VI. The Governor in Council shall have, with respect to the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by any law regarding the confinement or trial of persons charged with or suspected of State offences; and the provisions of any such law shall be applicable to all cases in which the Governor in Council shall proceed under the authority of this Section.

VII. The Magistrate of the District may cause any Mopla or other person, against whom there are, in his judgment, grounds of proceeding under the last Section, to be apprehended, and after such inquiry as he may think necessary, may detain such Mopla or other person in safe custody, until he shall have received the orders of the Governor in Council to whom in all such cases he shall report his proceedings without unnecessary delay.

VIII. If, with the previous consent of the Governor in Council, any person, against whom the Governor in Council shall think fit to proceed under Section VI., shall undertake, in consideration of the suspension of such proceedings, to depart within a specified period from within the limits of the Continent of India or of any part thereof, and shall in breach of his said undertaking, and without the permission of the Governor in Council, remain or return within such limits, he shall be liable to be punished with imprisonment, with or without hard labor, for a period which may extend to seven years, or with fine, or both.

IX. Whenever any such outrage as is specified in Section III of this Act, the same being punishable under this Act, shall, after such proclamation as aforesaid, have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy such sum of money as the Governor in Council shall authorize, from all the Moplas within the umshum or the several umshums to which the perpetrator or perpetrators or any one of such perpetrators of such outrages shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, and also within the umshum in which the outrage shall have been committed; and the said Magistrate shall assess the proportions in which the said sum shall be payable upon the several heads of families of Moplas within such umshum or umshums, according to his judgment of their respective means; and the said Magistrate shall

appropriate the sum so levied as follows, that is to say, in the first place, to the compensation of the parties aggrieved by such outrages, including therein compensation to the family of any person dying by any such outrage for the pecuniary loss occasioned or likely to be occasioned by such death; and, subject to such compensation, to the use of the Government.

X. Whenever any such outrage as is specified in Section III of this Act, the same being punishable under this Act, shall have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate to call upon the Mopla inhabitants of the umshum or umshums to which the perpetrator or perpetrators or any one of such perpetrators of such outrage shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, or wherein any such perpetrator shall after the perpetration of any such outrage be found, to deliver up such prepetrator or prepetrators, and on the failure of such Mopla inhabitants to comply with such call so made upon them by the Magistrate, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy from such Mopla inhabitants, such sum of money as the Governor in Council shall authorize as prescribed in the last preceding Section of this Act, and all sums so levied shall be appropriated in the manner prescribed in that Section.

XI. All fines and pecuniary liabilities incurred under this Act may be levied by a Magistrate under summary process, in the same manner as the public revenue may be realized by a Collector; and no action shall lie in any Civil Court against the Magistrate in respect of any fine imposed or any assessment made under this Act, or in respect of the levy of any portion of such fine from the person or persons upon whom the same shall have been assessed.

XII. It shall be lawful for the Governor in Council, by such proclamation as aforesaid, from time to time, to withdraw from the operation of the provisions of this Act any part or parts of the said District which he may previously have declared to be subject thereto; and in like manner, as occasion shall require, to subject the same part or parts again to the operation of such provisions, or of any of them.

XIII. The provisions of this Act shall continue in force until the end of the year 1859.

ACT No. XXI. OF 1859,

Passed on the 3rd September 1859.

AN ACT for providing for the exercise of certain powers by the Governor General during his absence from his Council.

WHEREAS the Governor General in Council has declared that it is expedient that the Governor General should visit the North-Western Provinces of the Presi-

dency of Fort William in Bengal, and other parts of India, unaccompanied by any Member of his Council; It is enacted as follows:—

I. During the absence of the Governor General from his Council, it shall be lawful for the Governor General alone to exercise all the powers which might be exercised by the Governor General in Council in every case in which the said Governor General may think it expedient to exercise those powers.

II. All powers vested in the Governor General in Council by any Act of the Government of India, may be lawfully exercised by the President in Council.

III. This Act shall commence from the day on which it shall be notified by an order published in the *Official Gazette*, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid, and shall not continue in force for a longer period than seven months.

Act No. XXIV of 1859.

Passed on the 6th September 1859.

An Act for the better regulation of the Police within the Territories subject to the Presidency of Fort St. George.

XXII. It shall be the duty of every Police Officer, and he is hereby authorized, to arrest without warrant—

1. Any person who is charged on credible information, or whom he has reasonable ground to suspect of having been concerned in any grave or forcible crime or outrage.

2. Any person who is charged with committing an aggravated assault in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that by reason of the recent commission of the offence a warrant could not have been issued.

3. Any person committing, or attempting to commit, any breach of the peace in his view, and who refuses to desist on being required thereto.

4. Any person found injuring the public buildings, roads, tanks, and water channels, or committing any offence punishable by law. Provided always that where such offence is of a slight and petty nature, it shall not be necessary for the Police Officer to arrest, if, from the circumstances of the case, there is no reason to apprehend that the party will abscond.

5. Any vagrant whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed, or being about to commit a crime; all persons whose name and residence is unknown, or whom he may find by

night lying or loitering in any highway, road, or other place, and who, in either case, are unable to give a satisfactory account of themselves.

6. Any person who assaults, resists, or obstructs such Police Officer in the execution of his duty or aids or excites others so to do.

7. All persons who, having been in legal custody, shall have escaped therefrom.

8. All persons who are charged with having done any injury or damage to the person or property of another, and who refuse to give their name and residence, or who give one which there is ground to believe to be false, may be detained solely for the purpose of ascertaining such name and residence, with a view to future proceedings.

XXIII. Every person taken into custody by any Police Officer, without warrant, except persons detained for the mere purpose of ascertaining their name and residence, shall forthwith be delivered into the custody of the Police Officer in charge of a Station House, in order that such person may be secured until he can be brought before a Magistrate to be dealt with according to law, or may give bail for his appearance before a Magistrate, if the Officer in charge shall deem it prudent to take bail as hereinafter mentioned; provided always that, where bail is not taken, the prisoner shall be brought before a Magistrate within twenty-four hours, unless circumstances render delay unavoidable.

XXIV. Whenever any person shall be brought in custody, without a warrant, to any Station House, at a time when he cannot at once be sent before a Magistrate, and shall be charged with any bailable offence, or with any unbailable offence of which it shall appear to the Officer in charge of the Station House that the prisoner is falsely accused, it shall be lawful for such Police Officer to release the accused on bail or on his own recognizance to appear before the Magistrate when required.

XXV. It shall be lawful for every Police Officer in charge of a Station, or other superior Officer of Police, to bind by recognizance any person to appear as prosecutor or as a witness before the Magistrate by whom any grave charge is being or is about to be investigated; and if any such prosecutor or witness shall refuse to execute such recognizance, it shall be competent to such Officer to forward the person in custody to the Magistrate's Court.

XXVI. Every recognizance so taken shall be without fee or reward and shall be conditioned for the appearance of the person thereby bound before a Magistrate at such time and place as may be required, and the time and place of appearance, and the sum thereby acknowledged, not exceeding one thousand Rupees, shall be specified in the said recognizance, or in the condition thereof; and the Officer taking the

recognizance shall return the same forthwith to the Magistrate present at the time and place when and where the party is bound to appear.

XXVII. If from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination of any case, or the further examination of any witnesses, it shall be lawful for any Magistrate from time to time by this warrant to remand the accused to the custody of any Police Officer, for such time as he shall deem necessary and reasonable, not exceeding eight clear days, to be secured in any Station House or jail, or to be otherwise detained in custody as to the said Magistrate shall appear expedient : provided always that any such Magistrate may order such accused party to be brought before him at any time or place before the expiration of the time for which such accused party shall have been remanded; or may discharge such accused party on his recognizance, with or without sureties, conditioned for his appearance at the time and place appointed for such further examination.

XXVIII. It shall be lawful for any Police Officer without a warrant to enter and inspect all drinking shops, gaming houses and other resorts of loose and disorderly characters, all premises of persons suspected of receiving stolen property, any locality, vessel, boat or conveyance in any part of which places he shall have just cause to believe that crime has been or is about to be committed or which he reasonably suspects to contain stolen property ; and then and there to take all necessary measures for the effectual prevention and detection of crime and to take charge of all property reasonably suspected to have been stolen and of all articles or things which may serve as evidence of the crime supposed to have been committed.

XXIX. Every Police Officer, not below the grade of Inspector, shall be an Inspector of weights and measures, and may enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing kept or used therein, and may seize any weight, measure, or instrument for weighing, which he may have reason to believe is false.

XXX. No Police Officer shall receive any complaint of any petty offence, or take into his custody, any person brought to him accused of such petty offences, trespass, assault, quarrelling, or the like; and it shall be lawful for any Police Officer to refuse to receive any charge of an offence of a grave character, if he shall, on enquiry made of the complainant alone, see good grounds for doubting its truth: provided always that, if the charge be not of such a nature as under ordinary circumstances would justify the Police Officer in refusing to receive it, the particular reasons for refusing it are to be recorded by such Officer at the time.

XXXI. It shall be lawful for any Police Officer to lay any information before the Magistrate, and to apply for summons, warrant, search warrant, or such other

legal process as may by law issue and may be expedient under the circumstances, against any person committing an offence against any law or enactment, or against any regulation for the protection of the Revenue, or against any person committing or failing to remove any public nuisance or unwarrantable obstructions, keeping disorderly houses, harbouring thieves, disturbing the peace, obstructing the due course of justice, and the like, and to prosecute such offenders up to final judgment; provided always that any rewards, forfeitures, and penalties, or shares of rewards, forfeitures, or penalties, which by law are payable to informers, and all costs of prosecution which may by any enactment be awarded to the prosecutor, shall be paid into the "General Police Fund."

XXXII. From and after the passing of this Act, all summonses, warrants, search warrants, warrants of commitment for trial, or orders for the escort and conveyance of prisoners, and all other processes issued by any Officer in any Criminal proceeding, shall be directed and delivered to Officers of the Police alone; and such processes shall be served and executed by them and none others.

XXXIII. Where any such warrant, order, or process shall be directed or delivered to any of the said Officers, unless it be necessary for the due execution thereof that such warrant be executed without delay, the person receiving it shall deliver the same to any Officer authorized for that purpose, who shall take charge of it, and appoint by endorsement thereon one or more Police Officers to execute the same, or endorse it to any other Officer for a like purpose; and every Police Officer whose name shall be so endorsed thereon shall have the same powers, privileges, and protection as if the same had originally been directed to him by name; provided also that every such process shall be executed with all secrecy and despatch; and shall have full force in any part of the Madras Presidency except within the limits of the Supreme Court, without further formality or local endorsement; and that all Police authorities shall every where be assisting in the execution of such process.

XXXIV. Every summons, notice, or other Criminal process may be served on the party named personally, or be left with some adult male member of his family, or a copy thereof may be affixed on some conspicuous part of his usual place of abode; and any party failing or neglecting to obey such summons or notice duly served, shall be liable, at the discretion of the Magistrate or Court that issued the process, to a penalty not exceeding ten Rupees, unless such person shall be able to prove that he was prevented by unavoidable accident or other satisfactory cause from obeying such summons, notice, or the like.

XXXV. A Magistrate may, without issuing any summons, forthwith issue his warrant to bring before him any person charged with an offence cognizable by him, or whose attendance it may for any reason be necessary to enforce, whenever it shall appear probable that such person will not attend unless compelled so to do.

XXXVI. A Police Officer executing a warrant of arrest shall notify the substance of the warrant, and if required so to do shall show the warrant.

XXXVII. In making an arrest, the Police Officer executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

XXXVIII. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

XXXIX. Any Police Officer authorized by a warrant to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or inner door or window of a dwelling house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

XL. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a Zenanah or female apartment in the actual occupancy of women, the Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused; and if such person shall not deliver himself up, the Police Officer authorized to execute the warrant, may break open the Zenanah, and execute the process intrusted to him, giving notice at the same time to any woman in the Zenanah that she is at liberty to withdraw.

XLI. After arrest made, the Police Officer executing the warrant shall without unnecessary delay bring the person arrested before the Magistrate or other authority described in the warrant.

XLII. No Police Officer shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Police Officer shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

XLIII. If any Police Officer shall at any time find himself unable to effect an arrest, it shall be lawful for him to require any and every person present to assist and aid him in making the arrest; and any person who shall refuse or neglect to comply with such requisition, shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty Rupees, or to imprisonment for a period not exceeding three months, or both.

ACT No. XXVI OF 1859.

Passed on the 14th December 1859.

AN ACT to continue in force for a further period Act XXVIII of 1857.

WHEREAS it is expedient that Act XXVIII of 1857 (*relating to the importation, manufacture, and sale of Arms and Ammunition and for regulating the right to keep or use the same*) should continue in force for a further period; It is enacted as follows:—

I. Act XXVIII of 1857 shall continue in force until the 30th day of June 1860.

ACT No. XXVII OF 1859.

Passed on the 14th December 1859.

AN ACT to continue in force for a further period Acts XIV of 1857, XVI of 1857, and XVII of 1857.

WHEREAS it is expedient that Act XIV of 1857 (*to make further provision for the trial and punishment of certain offences relating to the Army, and of offences against the State*), Act XVI of 1857 (*to make temporary provision for the trial and punishment of heinous offences in certain Districts*), and Act XVII of 1857 (*to provide temporarily for the apprehension and trial of Native Officers and Soldiers for Mutiny and Desertion*) should continue in force until the end of the year 1860; It is enacted as follows:—

I. Acts XIV of 1857, XVI of 1857, and XVII of 1857 shall continue in force until the end of the year 1860.

ACT No. III OF 1860.

Passed on the 16th January 1860.

AN ACT to empower Sessions Judges to pass sentence in certain cases without reference to the Sudder Court.

WHEREAS it is expedient to empower Sessions Judges in the Presidency of Fort William in Bengal, to pass sentence in certain trials without reference to the Nizamut Adawlut; and whereas it is likewise expedient to remove the restriction now imposed by law upon Sessions Judges in regard to the minimum of punishment which they are competent to inflict in cases of perjury and certain cases of forgery described in Clause 2 Section IX Regulation XVII. 1817; It is enacted as follows:—

I. Clause 3 Section VI and Clause 3 Section IX Regulation XVII. 1817 of the Bengal Code are hereby repealed; and Section IX of the same Regulation, and Section IV Regulation VI. 1832 of the same Code, are hereby modified.

II. When a person is convicted of the crime of rape, if the circumstances of the case shall not appear to call for a more severe punishment than imprisonment for seven years with labor in irons, the Sessions Judge before whom the trial is held shall himself pass sentence.

III. When a person is convicted in a trial held under the provisions of Regulation VI. 1832, of a crime declared by a precedent of the Nizamut Adawlut to be a penal offence, if the circumstances of the case shall not appear to call for a more severe punishment than seven years' imprisonment with labor in irons, the Sessions Judge before whom the trial is held shall himself pass sentence. If, however, the crime of which the person has been convicted has not been declared to be a penal offence by a precedent of the Nizamut Adawlut, the Sessions Judge shall not proceed to pass sentence, but shall refer the case for the consideration of the Nizamut Adawlut, stating at length in the proceedings the opinion of the punchayet, assessors or jury, and his own opinion, as to the crime proved and the nature and extent of the punishment which should be awarded.

IV. When a person is convicted of the crime of perjury or subornation of perjury or of forgery or of procuring forgery, as defined and made punishable by Regulations II. 1807 and XVII. 1817 of the Bengal Code, the Sessions Judge shall pass such sentence on the offender as he may consider adequate to the offence in reference to the particular circumstances of the case; provided that he shall in no case exceed the limit of the powers vested in him by Clause 2 Section IX of the Regulation last mentioned.

V. If in any case coming under the provisions of this Act, the Sessions Judge shall consider the sentence which he is empowered to pass inadequate to the guilt of the prisoner, he shall refer the case, with his sentiments, for the sentence of the Nizamut Adawlut in conformity to Section VI Act XXXI of 1841, which is hereby declared applicable to such cases.

Act No. IV of 1860.

Passed on the 23rd January 1860.

An Act to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.)

Whereas it is expedient to amend Act VIII of 1859 *(for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter)*; It is enacted as follows:—

I. From and after the passing of this Act so much of the 332nd Section of Act VIII of 1859, as enacts that "If the appeal lie to the Sudder Court it shall be

heard and determined by a Court consisting of three or more Judges of that Court," shall be repealed, and in lieu thereof the following shall form portion of the said Section :—

"If the appeal lie to the Sudder Court, it shall be heard and determined by a Court consisting of two or more Judges of that Court. If, when the Court shall consist of only two Judges, there is a difference of opinion upon the evidence in cases in which it is competent to the Court to go into the evidence, and one Judge concur in opinion with the Lower Court as to the facts, the case shall be determined accordingly: If in a Court so constituted there is a difference of opinion upon a point of law, the Judges shall state the point upon which they differ, and the case shall be re-argued upon that question before one or more of the other Judges and shall be determined according to the opinion of the majority of the Judges of the Sudder Court by whom the appeal is heard."*

II. From and after the passing of this Act the 215th Section of the said Act shall be repealed, and in lieu thereof the following shall be the 215th Section :—

"The Court, on receiving any application for execution of a decree containing the particulars above-mentioned or such of them as may be applicable to the case, shall enter a note of the application and the date on which it was made in the Register of the suit. If it shall be shown to the Court that the particulars do not correspond with the original decree, the Court shall either return the application for correction to the person making it, or shall, with the consent of such person, cause the necessary correction to be made. If the application be admitted, the Court shall order execution of the decree according to the nature of the application."

III. When under the provisions of Section 385 of the said Act, the Act is extended to any part of the territories not subject to the General Regulations of Bengal, Madras, and Bombay, it shall be lawful for the Government to which the territory is subordinate to declare that the Act shall take effect therein subject to any restriction, limitation, or proviso which it may think proper. In such case the restriction, limitation, or proviso shall be inserted in the declaration or notification of such extension. When the Act is extended by the Local Government to any territory subordinate to such Government, and such extension is made subject to any restriction, limitation, or proviso, the previous sanction of the Governor General of India in Council shall be requisite.

Act No. VI of 1860.

Passed on the 23rd February 1860.

An Act to amend Act XIX of 1847 (Articles of War for the Native Army.)

Whereas it is expedient to amend the 78th and 112th Articles of War for the Government of the Native Officers and Soldiers in the Military Service; It is enacted as follows :—

I. There shall be added to the 78th Article of War for the Native Army the words following (that is to say)—

1. The Commander-in-Chief of the Presidency to which any Regiment belongs may confer the power specified in this Article on the Commanding Officer for the time being of such Regiment. The Commanding Officer for the time being of such Regiment may summarily try all offences against the Articles of War for the Native Army committed by any person subject to those Articles (not being a Commissioned Officer), and sentence such offender on conviction, and carry out such sentence without confirmation or any further authority, notwithstanding any provision to the contrary contained in the said Articles of War; provided that such sentence shall not exceed the powers of a District or Garrison Court-Martial.

2. A Commanding Officer holding a trial under this Act shall be deemed a Court-Martial, and the word "Court-Martial" in 64, 66, 67, and 98 of the said Articles of War, so far as such Articles are applicable to persons amenable thereto, shall be deemed to include a Commanding Officer holding such trial.

3. The proceedings on such summary trials by a Commanding Officer shall be conducted in the presence of two or more European or Native Commissioned Officers, and shall be recorded in the English language, and the evidence shall be taken on oath or affirmation and interpreted by a competent Interpreter upon solemn affirmation; and when the Commanding Officer shall have recorded the finding and sentence, the proceedings shall be signed by such Commanding Officer and by the Officers in whose presence the trial was held, and shall, without delay, be forwarded to the General Officer Commanding the Division, who is hereby authorized to set aside the trial for reasons based on the merits of the case but not of a merely technical nature, provided that every sentence so awarded by the Commanding Officer may be carried out without waiting for its approval by the reviewing Officer.

II. There shall be added to the 112th Article of War for the Native Army the words following (that is to say)—

Provided also that Soldiers subjected to confinement in the Quarter Guard or Defaulter's Room, or to solitary confinement as aforesaid, under this Article, sha

forfeit all claim to pay and allowances during such confinement, and shall receive subsistence only according to the rates of pay laid down in the Regulations.

Act No. XI of 1860.

Passed on the 9th April 1860.

An Act to enforce the fulfilment of Indigo Contracts, and to provide for the appointment of a Commission of Enquiry.

Whereas it is expedient to issue a commission of enquiry into the practice of Indigo planting in Bengal and the relations between the Indigo Planter and the Ryots and holders of land in Bengal, and to make temporary provision for enforcing by summary process the execution of agreements entered into for the cultivation of Indigo plant; and better to provide for the punishment of certain unlawful acts connected with such cultivation; It is enacted as follows:—

I. If any person who has received a cash advance upon his agreement to cultivate Indigo plant during the season now current, shall wilfully delay or omit from and after the 4th day of April 1860, to cultivate according to the conditions of such agreement the whole quantity of land which he has agreed to cultivate, or otherwise to fulfil his engagement, it shall be competent to the Magistrate to entertain a complaint made to the above effect on oath by the Planter who has made the advance, or by any person on his behalf, and to summon the person complained of to appear before him in order to the investigation of the complaint preferred. If the Magistrate has reason to believe that the person complained of will not appear in obedience to the summons, he may issue a warrant for the arrest of such person.

II. On hearing the answer of the person complained of, and on taking such evidence as both parties may adduce, if the complaint be established to the satisfaction of the Magistrate, the Magistrate shall assess a certain sum as damages sustained by reason of the breach of the contract. If it shall appear to the Magistrate that the person who has agreed to cultivate the Indigo plant is still able to perform his contract, the Magistrate shall order him specifically to perform the same, and shall also in such case award a certain sum to be paid as damages as an alternative. In cases in which the land to be cultivated with the Indigo plant is defined by the agreement, the Magistrate may order the attachment, as a security for the amount of the damages assessed or to be assessed for the breach of the agreement, of any other crop of the defaulter that may at any time during the present season be growing on such land. If after an order for specific performance of agreement the defendant fail to perform the agreement or to pay the amount of damages ordered to be paid as an alternative, or if after an order for payment of damages the same be not immedi-

ately paid, the Magistrate may order the defendant to be imprisoned in the Civil Jail for a term not exceeding three months; and may on the motion of the complainant furthermore proceed to levy the damages assessed from the property of the defendant in the mode provided for enforcing decrees of Court under Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*). Provided that if the amount of the said damages is paid or levied within the aforesaid term of three months, the defendant shall be released from Jail on that amount being paid or levied.

III. In case it shall appear to the satisfaction of the Magistrate that the agreement has been obtained by means of fraud, force, or unlawful intimidation, the complaint shall be dismissed.

IV. If any complaint preferred under this Act be dismissed for want of proof or appearance of the complainant, or for any other cause, the Magistrate may order the complainant to pay such amount for costs and compensation as he may think reasonable. In default of payment of any such amount, the same may be levied by distress and sale of the property of the person ordered to pay the same.

V. If any person from and after the 4th day of April 1860, shall by violence, threats, or otherwise intimidate or attempt to intimidate any other person who shall have entered into any such agreement as aforesaid, with the intention of inducing such person to break the conditions thereof, he shall, on conviction before a Magistrate, be liable to a sentence of imprisonment with or without labor for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both, such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.

VI. If any person shall maliciously destroy or damage, or if any person shall maliciously command, compel, or persuade any other person to destroy or damage any growing crop of Indigo, he shall, on conviction before a Magistrate, be liable to be sentenced to imprisonment with or without labor for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both, such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.

VII. No Appeal shall lie from the decision of a Magistrate under this Act.

VIII. The power of a Magistrate under this Act may be exercised by any person vested with the full powers of a Magistrate, and by any Assistant Magistrate or Deputy Magistrate specially empowered on that behalf by the local Government.

IX. A decision of a Magistrate shall be a bar to any further proceeding for the same breach of agreement. No decision under this Act shall have any force or effect in regard to anything not to be performed during the current season.

X. This Act shall have effect from and after the 4th day of April 1860, and shall not extend beyond the Territories subject to the Lieutenant-Governor of Bengal. And no complaint or prosecution shall be entertained under this Act, unless preferred within six months from the date aforesaid.

XI. All orders made or acts done before the 4th day of April 1860, which would have been lawful if the Bill "to enforce the fulfilment of Indigo Contracts" as read a second time on the 24th day of March 1860 had then become law, are hereby declared to be valid. And all Magistrates and other Public Officers are hereby indemnified for any acts done before the said 4th day of April 1860, which would have been justifiable under the said Bill if the same had become law on the said 24th day of March 1860.

XII. The Lieutenant-Governor of Bengal shall, as soon as conveniently may be, issue a Commission to such persons as the said Lieutenant-Governor shall think fit, for the purpose of enquiring into and reporting on the system and practice of Indigo planting in Bengal and the relations between the Indigo planter and the Ryots and holders of land in Bengal aforesaid. The said Commissioners shall fully enquire into the matters aforesaid, and shall, as soon as they conveniently can, report to the Lieutenant-Governor the result of their enquiries, and shall in their report or reports suggest such alterations, if any, as may in their opinion be beneficially made in the law relating to the system and practice and the relations aforesaid.

XIII. In case of the death or resignation of any of the said Commissioners or of any of them becoming unable or refusing to act, it shall be lawful for the other Commissioners or Commissioner to act alone, and all the powers by this Act given to Commissioners shall and may be exercised by the continuing Commissioners or Commissioner alone, but only until such vacancy can be filled up. It shall be lawful for the said Lieutenant-Governor from time to time, and he shall as soon as conveniently may be, without issuing a new Commission, appoint some other person or persons to act as a Commissioner, or Commissioners jointly with the continuing Commissioners or Commissioner, and in such case all the powers conferred by this Act shall and may be exercised by the said newly appointed Commissioner or Commissioners jointly with the continuing Commissioner or Commissioners.

XIV. It shall be lawful for the Commissioners aforesaid, by a summons under the hand of any one of them, to require the attendance before them, at a time and place to be mentioned in such summons, of any person or persons whomsoever, residing or being within the Lieutenant-Governorship of Bengal, whose evidence shall in the judgment of the Commissioners aforesaid be material to any of the matters of the enquiry aforesaid, and to require the person or persons so summoned to bring and produce before them all such books, papers, deeds, and writings as to them

the said Commissioners shall appear necessary for arriving at the truth of the matters directed to be enquired into by the said Commissioners, all which persons shall accordingly attend before the said Commissioners, and shall produce such books, papers, deeds, and writings as shall be required of them and shall be in their custody and control or in the custody and control of any one of them according to the tenor of the summons. Provided always that no person shall be compelled to attend before the said Commissioners or to give his evidence at a greater distance than fifty miles from the place where such person shall be residing.

XV. It shall be lawful for the Commissioners aforesaid, or one of them, to administer an oath, or in the case of persons allowed by law to make affirmation instead of taking an oath, an affirmation in such form as to them the said Commissioners shall seem fit, to all persons who shall be examined before them touching the matters to be enquired into by them as aforesaid. Provided that nothing herein contained shall render it necessary for the said Commissioners to take evidence upon oath or affirmation unless they shall think fit or expedient so to do.

XVI. If any person, upon whom any such summons shall be served by the delivery thereof to him or by the leaving thereof at his usual place of abode, being a person living within fifty miles of the place at which he shall be required to attend, without reasonable cause (to be allowed by the Commissioners aforesaid) fail to appear before them at the time and place mentioned in the summons, or shall refuse to be sworn or to make affirmation (as the case may be) or shall not make answer to such questions as shall be put to him touching the matters directed, or which may hereafter be directed, to be enquired into by the Commissioners aforesaid, or shall refuse or fail without reasonable cause (to be allowed by the Commissioners aforesaid) to produce and show to the said Commissioners any such paper, book, deed, or writing being in his possession or under his control as to the Commissioners aforesaid shall appear necessary for arriving at the truth of the matters to be enquired into by them, the Commissioners aforesaid shall have the same powers in all respects touching any such person so failing to appear or refusing to be sworn or to make affirmation, or not answering such questions as shall be put to him or refusing to produce and show any such book, paper, deed, or writing as aforesaid as the principal Court of original Civil jurisdiction within the limits of which the said person shall be residing, may by law exercise against any person for making default of appearance, or for refusing to be sworn or to give evidence on any issue joined in any action depending in such Court.

XVII. Whenever a summons is issued for the attendance of a witness under this Act, the Commissioners may if they think fit order such witness to receive from the Collector such travelling and other expenses as he would have been entitled to

receive had he been summoned to appear and give evidence in the principal Court of original Civil jurisdiction in the District.

XVIII. Every person who, upon examination upon oath or affirmation before the Commissioners aforesaid, shall wilfully give false evidence, shall be liable to the punishment of perjury.

ACT No. XVII. OF 1860.

Passed on the 26th April 1860.

AN ACT to repeal Act V of 1858 (for the punishment of certain Offenders who have escaped from Jail, and of persons who shall knowingly harbour such Offenders), and to make certain provisions in lieu thereof.

XI. It shall be competent to the Executive Government of any Presidency or place to direct that any person, who shall be convicted of escaping from Jail or other lawful custody whilst undergoing a sentence of imprisonment, shall be transported for the term remaining unexpired of such sentence as well as for any additional term of imprisonment to which such person shall be sentenced for making his escape, provided that the aggregate of both terms shall not be less than five years.

ACT No. XVIII. OF 1860.

Passed on the 26th April 1860.

AN ACT to continue in force for a further period of three months Act XXI of 1859, for providing for the exercise of certain powers by the Governor General during his absence from his Council.

WHEREAS the Governor-General has represented that it is expedient that he should be enabled to prolong his absence from Calcutta and that the said Act should be continued for a further period of three months; It is enacted as follows:—

I. Act XXI of 1859 shall continue in force for the period of three months from the 9th day of May 1860.

ACT No. XXIX OF 1860.

Passed on the 30th June 1860.

AN ACT to continue in force Act XXVIII. of 1857.

WHEREAS it is expedient that Act XXVIII of 1857 (*relating to the importation, manufacture, and sale of Arms and Ammunition and for regulating the right to keep or use the same*) should continue in force for a further period of one month; It is enacted as follows:—

I. Act XXVIII of 1857 shall continue in force for a further period of one Calendar month from the 30th June 1860.

ACT No. XXXII. OF 1860.

Passed on the 24th July 1860.

AN ACT for imposing Duties on profits arising from Property, Professions, Trades, and Offices.

CXVI. No person shall be chargeable to any Duty under this Act, who shall prove to the satisfaction of the Collector or Commissioners in the manner hereinafter mentioned, that the aggregate amount of his annual income or profits, from whatever source derived, estimated under the Rules of this Act, is less than two hundred Rupees. Any person so satisfying the Collector or Commissioners as aforesaid, shall be entitled to be repaid the amount of any deduction or payment on account thereof, in the manner hereinafter directed, except so much of such duty as the person claiming such exemption shall be entitled to charge against any other person, or to retain from any payment to which claimant may be liable.

CXVII. No person who shall prove to the satisfaction of the Collector or Commissioners that the aggregate amount of his profits or income, from whatever source derived, estimated as aforesaid, though amounting to two hundred Rupees a year, is less than five hundred Rupees, shall be charged with more than two Rupees of every hundred Rupees of the annual value of his profit or income, or shall be charged with any part of the Duty of one Rupee per centum chargeable under Section III. of this Act for roads, canals, and other reproductive public works. Any person so satisfying the Collector or Commissioners, as aforesaid, shall be entitled to be repaid the amount of any deduction or payment on account of the said Duty of one per cent., or of the excess of the said Duty of three per cent., from which he shall be so exempted as aforesaid, except as in the last preceding Section of this Act is excepted.

CXVIII. The exemption allowed by the foregoing Sections shall be claimed and proved, and all proceedings thereupon shall be had, before the Collector or Commissioners of the place where the claimant is charged, whether such claimant shall be personally charged in such place or not.

CXIX. Every person assessed under this Act claiming to be entitled to such exemption as aforesaid shall, within the time to be limited as hereinbefore directed for delivering in the returns and declarations required by this Act, or within such further time as the Collector or Commissioners respectively shall for special cause assigned allow, deliver or cause to be delivered to the Assessor of the place where such claimant shall reside, a notice of his claim to such exemption, together with a declaration signed by such claimant and in such form as shall be prescribed as aforesaid, declaring and setting forth therein all the particular sources from whence the income of such claimant shall arise, and the particular amount arising from each

source, and also every sum of annual interest or other annual payment reserved or charged thereon, whereby the income shall or may be diminished, and also every sum which such claimant may have charged, or may be entitled to charge against any other person, on account of the Duties made payable by this Act, or which he may have deducted or may be entitled to deduct under the authority of this Act from any payment to which he may be liable.

CXXVIII. Officers of Her Majesty's Navy, or of the Indian Naval forces, or in the employment of Government in the Marine Department not above the rank of Lieutenant, and all Warrant and petty Officers and Seamen, shall in like manner be exempted from the said Duties.

CXCI. A separate account shall be kept at the said Treasuries of all sums paid in on account of the said one per cent. Duty.

CXCII. A separate account shall also be kept of such sums paid in on account of the said one per-cent. Duty, as shall have been assessed upon persons residing in, or carrying on business in or upon any house or land in any Presidency Town, or any Station in the Straits Settlement, or in any district.

CXCIII. A separate account shall be kept of the Duty paid in respect to the said one per cent. Duty which shall accrue from the dividends or interest paid upon the Government debt and from the salaries of public officers, and from the profits of any Railway or other public Company whose profits shall be derived from different parts of India, or of which any part of the profits is derived from a place other than that at which its head Office is situate. The amount comprised in such account of the one per cent. Duty shall be appropriated to the different Governments in India, to be applied according to their discretion for the execution of roads, canals, or other reproductive public works which have been duly sanctioned. Such appropriation shall be made to each local Government in the proportion in which each Presidency, or Lieutenant-Governorship, or Province under a Chief Commissioner shall contribute to the whole amount of the Duty raised under this Act.

CXCIV. The whole of the residue of the sums derived from the said one per cent. Duty shall be appropriated to each Presidency, Lieutenant-Governorship, and Province, to the extent contributed by such Presidency, Lieutenant-Governorship, and Province, and shall be expended by the local Government and Chief Commissioners thereof in roads, canals, or other reproductive public works duly sanctioned as aforesaid, in the various Districts under them, as nearly as may be in proportion to the respective contributions of such Districts thereto.

Act No. XXXV. of 1860.

Passed on the 2nd August 1860.

An Act relating to the Transportation of Convicts.

Whereas it is expedient to provide that convicted offenders sentenced to transportation shall be transported to such places only as the Governor-General of India in Council shall appoint; It is enacted as follows:—

I. From and after the passing of this Act, whenever any person convicted of an offence which is punishable with transportation shall be sentenced by any Court within the British Territories in India to be transported, such Court shall not in its sentence specify the place to which such person shall be sent for the purpose of undergoing the sentence of transportation.

II. It shall be lawful for the Governor-General of India in Council, from time to time, to appoint a place or places within the British Territories in India to which persons sentenced to transportation shall be sent; and the local Government of the Presidency or place in which such persons shall have been sentenced, or some Officer duly authorized by the local Government, shall give orders for their removal to the place or places so appointed.

III. In every case in which a sentence of transportation is passed, the person upon whom such sentence is passed, until he is transported, shall be dealt with in the same manner as if sentenced to imprisonment with hard labor, and shall be held to have been undergoing his sentence of transportation during the term of his imprisonment.

IV. When sentence of transportation shall be passed on a person already undergoing transportation under a sentence previously passed for another offence, it shall not be necessary for the Government to order the removal of such person from the place in which he is so undergoing transportation.

V. Nothing in this Act shall affect the provisions of Act XXIV. of 1855 *(to substitute penal servitude for the punishment of transportation in respect of European and American Convicts, and to amend the Law relating to the removal of such Convicts)*, or the provisions of any Act of Parliament passed in the United Kingdom of Great Britain and Ireland for punishing mutiny and desertion.

ACT No. XXXVI. OF 1860.

Passed on the 2nd August 1860.

AN ACT to consolidate and amend the law relating to Stamp Duties.

WHEREAS it is expedient to consolidate and amend the law relating to stamp Duties; It is enacted as follows:—

I. From the time when this Act shall come into force, Regulation XII. 1826 *(for raising and levying Stamp Duties within the Town of Calcutta)*, with the corresponding Regulation enacted on the 14th June 1827, and registered in the Supreme Court at Calcutta on the 12th July 1827, and Regulation X. 1829 of the Bengal Code *(for consolidating into one Regulation, with modifications, the existing enactments relating to the collection of Stamp Duties)*, Regulation XIII. 1816 of the Madras Code *(for modifying and amending the Rules before enacted regarding Stamped Paper and Stamped Cadjans; and for consolidating the Fees payable on the institution of suits, and on exhibits and summonses for witnesses, with the Duty levied by means of Stamps)*, Regulation XVIII. 1827 of the Bombay Code *(for levying a Stamp Duty on certain papers within the Territories subordinate to the Presidency of Bombay)*, Regulation III. 1828 of the same Code *(for subjecting to the Stamp Duty certain Plaints and other Papers exempted therefrom under Regulation XVIII. of* 1827*)*, Regulation VI. 1828 of the same Code *(for extending in the same manner as in suits before the Courts of Civil judicature, Stamps to suits cognizable by Collectors under the operation of Chapter VIII. Regulation XVII. of* 1827 *or any other now in force)*, Regulation VIII. 1830 of the same Code *(for changing the Counter-Stamp to be impressed on Stamped Paper and other material)*, Regulation III. 1831 of the same Code *(for subjecting to the Stamp Duty copies of decrees passed by Native Commissioners, exempted therefrom under Regulation XVIII. of* 1827), Regulation XIV. 1831 of the same Code *(for rescinding that part of Section VII. Regulation XVIII. of* 1827, *which requires all Stamped Paper to be endorsed with the Official signature of some person belonging to the Office of Superintendent of Stamps, and prescribing how that duty shall henceforth be performed)*, and Section XXXVII. of Act X. of 1859 *(to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal)*—are repealed, except in so far as they rescind other Regulations or parts of other Regulations, and except as regards Deeds, Instruments, or Writings which shall have been made or executed, and all proceedings or matters which shall have taken place before this Act shall come into force.

II. For every Deed, Instrument, or Writing which shall be executed from the time when this Act shall come into force, and which shall be of any of the kinds specified as requiring Stamps by the Schedule A. annexed to this Act, there shall be payable to Government a Stamp Duty of the amount indicated in the said Schedule to be proper for such Deed, Instrument, or Writing.

III. If any person shall draw, accept, endorse, negotiate, pay, or receive payment of any Bill of Exchange, Promissory Note, Draft, Cheque, or other similar Instrument, or if any person shall make, execute, sign, or be a party to any Deed, Instrument, or other Writing, engrossed on unstamped or insufficiently Stamped paper or other material, which should bear a Stamp of the value set forth in Schedule A., such person, so offending, shall forfeit a sum not exceeding one hundred Rupees, or a sum equal to ten times the value of the Stamp omitted to be used, if the sum so calculated exceed one hundred Rupees.

IV. The Governor-General in Council shall prescribe the form and material of the Stamps to be used, and the mode and place of impressing, affixing, or denoting thereon the value thereof under the provisions of this Act, and may from time to time alter and vary such orders. All orders made by the Governor-General in Council under this Section, shall be published in the *Official Gazettes* of the several Presidencies and places in which such orders are to be in force.

V. The Duty imposed by this Act on every Receipt, and on every Draft or Order for the payment of money on demand, and bearing the date on which the Draft or Order is made, may be denoted by a Stamp impressed upon the paper whereon any such Instrument is written, or by an adhesive Stamp affixed thereto. It shall be lawful, until the Governor-General in Council shall direct to the contrary by an order to be published in the *Gazette*, to use a Postage Stamp of the value of half-anna on every Receipt, Draft, or Order for which a half-anna Stamp is required by this Act.

VI. In any case where an adhesive Stamp shall be used for the purpose aforesaid on any Receipt, or upon any Draft or Order chargeable with the Duty of half-anna or of one anna by this Act, the person by whom such Receipt shall be given or such Draft or Order signed or made, shall, before the Instrument shall be delivered out of his hands, custody, or power, cancel the Stamp so used, by writing thereon his name or the initial letters of his name, or in such other manner as to show that such stamp has been made use of, and so that the same may not be again used; and if any person who shall write or give any such Receipt or discharge, or make or sign any such Draft or Order with any adhesive Stamp thereon, shall not *bonâ fide* in manner aforesaid cancel such Stamp, he shall forfeit a sum not exceeding one hundred Rupees.

VII. The Duties imposed by this Act on Foreign Bills of Exchange shall be paid on account of all Bills drawn within, but payable out of the British Territories in India, and on account of all Bills drawn out of the British Territories in India, which shall be payable within those Territories, or shall therein be endorsed, transferred, or otherwise negotiated, wheresoever the same may be payable; and the

Duties so imposed on Bills drawn out of the British Territories in India, shall be denoted by adhesive Stamps to be affixed to such Bills as hereinafter directed.

VIII. Every Bill of Exchange which shall purport to be drawn at any place out of the British Territories in India, shall, for all the purposes of this Act, be deemed to be a Foreign Bill of Exchange drawn out of the British Territories in India, and shall be chargeable with Stamp Duty accordingly, notwithstanding that in fact the same may have been drawn within those Territories.

IX. The holder of any Bill of Exchange drawn out of the British Territories in India, and not having a proper adhesive Stamp affixed thereon as herein directed, shall, before he shall present the same for payment, or endorse, transfer, or in any manner negotiate such Bill, affix thereon a proper adhesive Stamp for denoting the Duty by this Act charged on such Bill; and the person who shall endorse, transfer, and negotiate such Bill, shall, before he shall deliver the same out of his hands, custody, or power, cancel the Stamp so affixed, by writing across the same as his endorsement, his name or the name of his firm and the date of the day and year on which he shall so write the same, or by affixing thereon or across the same the seal or mark which he is in the habit of using, or in such other manner as to show that the Stamp has been made use of, and so that the same may not be again used: and if any person shall present for payment, or shall pay or endorse, transfer or negotiate any such Bill as aforesaid, whereon there shall not be such adhesive Stamp as aforesaid, duly affixed, or if any person, who ought as directed by this Act to cancel such Stamp in manner aforesaid, shall refuse or neglect so to do, such person so offending in any such case shall be liable to the penalty prescribed in Section III. of this Act, and no person who shall take or receive from any other person any such Bill as aforesaid, either on payment or as a security, or by purchase or otherwise, shall be entitled to recover thereon or to make the same available for any purpose whatever, unless at the time when he shall so take or receive such Bill, there shall be such Stamp as aforesaid affixed thereon and cancelled in the manner thereby directed.

X. If any person shall, within the British Territories in India, draw and issue any Bill of Exchange payable out of the British Territories in India, purporting to be drawn in a set of three, and shall not draw and issue, on paper duly stamped as required by law, the whole number of Bills which such Bill purports the set to consist of, or if any person shall, within the British Territories in India, transfer or negotiate any such Bill of Exchange as aforesaid purporting to be drawn in a set of three, and shall not at the same time transfer or deliver on paper duly stamped as aforesaid, the whole number of Bills which such Bill purports the set to consist of, every such person so offending in any of such cases, shall be liable to the penalty prescribed in Section III. of this Act; and if any person shall take or receive in the British Territories in India any such Bill as aforesaid, either in payment, or as a secu-

rity or by purchase or otherwise, without having transferred or delivered to him duly Stamped as aforesaid, the whole number of Bills which such Bill purports the set to consist of, he shall not be entitled to recover on any such Bill or to make the same available for any purpose whatever.

XI. If any person shall affix or use any adhesive Stamp which to his knowledge shall have been taken off or removed from any paper whereon any Receipt or any Draft, Order, or Bill of Exchange shall have been written, to or for any Receipt, Draft, Order, or Bill of Exchange, or any paper whereon any such Receipt, Draft, Order, or Bill of Exchange shall be or be intended to be written; or if any person shall do or practise, or be concerned in any fraudulent act, contrivance, or device whatever, not specially provided for by this or some other Act, with intent to defraud the Government of any duty imposed by this Act upon Receipts or upon Drafts, Orders, or Bills of Exchange—every person so offending in any of the said several cases, shall forfeit a sum not exceeding two hundred Rupees.

XII. Except as otherwise provided by this Act, no Deed, Instrument, or Writing for which any Duty shall be payable under Section II. of this Act, shall be received as creating, transferring, or extinguishing any right or obligation, or as evidence in any Civil proceeding in any Court of Justice, whether established by Royal Charter or otherwise, or shall be acted upon in any such Court, or by any public Officer, or shall be registered in any public Office, or authenticated by any public Officer, unless such Deed, Instrument, or Writing be upon a Stamp of a value not less than that indicated to be proper for it by the said Schedule. Provided that every Deed, Instrument, or Writing liable to Stamp Duty shall be admitted as evidence in any Criminal proceeding, although it may not have the Stamp required by law impressed thereon or affixed thereto.

XIII. *First.*—Deeds, Instruments, and Writings executed on unstamped or insufficiently Stamped paper from accident, ignorance, inadvertence, mistake, or from other unavoidable cause, may be imposed with the requisite Stamp or Stamps, on application being made to the Collector of Stamp Revenue, after payment of so much as will make up the proper amount of Stamp Duty, and the penalties hereinunder stated, or such mitigated penalty as the local Government, or any Board, or Officer authorized by the local Government may prescribe. Provided always, that the payment of such penalty shall exempt the person making the same from any other penalty provided by this Act for such neglect or omission, and that if any such other penalty shall already have been imposed, then the same shall be taken as far as it goes in reduction of any penalty arising under this Section.

Second.—If the Deed, Instrument, or Writing executed as aforesaid on unstamped or insufficiently stamped paper be brought within thirty days from the date

of execution, the requisite Stamp may be impressed on payment of so much as will make up the proper amount of Stamp Duty, and treble the amount of the deficient Duty; if brought after thirty days from the date of execution, but within three months from that date, or if brought within six months from the time of this Act coming into force, the requisite Stamp may be impressed on payment of so much as will make up the proper amount of Stamp Duty and five times the amount of the deficient Duty, or if not brought within the two periods last mentioned, the requisite Stamp may be impressed on payment of so much as will make up the proper amount of Stamp Duty and twenty times the deficient Duty.

Third.—It shall be the duty of the Collector of the Stamp Revenue of the District, or other Officer as aforesaid, to determine whether, upon payment of the penalties mentioned in the last preceding Clause, the requisite Stamp shall be impressed on any Deed, Instrument, or Writing which shall have been executed on unstamped or insufficiently Stamped paper, and the decision of the Collector shall be conclusive and final, except in cases in which he shall refuse to allow the Deed, Instrument, or Writing to be stamped. The Board of Revenue or other general controlling Revenue Authority may, however, upon petition, order such penalty to be mitigated, and if paid, may order such part of it as they may consider proper to be returned.

Fourth.—Sections 130 and 131 of Act VIII. of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)* are hereby repealed, and in lieu thereof it is enacted as follows:—In all cases under this Act in which a Collector may impress a Stamp on payment of the proper amount of Stamp Duty and a penalty, any Civil Court may receive in evidence any Deed, Instrument, or Writing which might be so impressed, on payment into Court of the proper amount of Stamp Duty, and the penalty as by this Section imposed.

Fifth.—An entry of such payment and of the amount thereof shall be made in a book to be kept in the Court, and shall also be endorsed on the back of the Deed, Instrument, or Writing, and shall be signed by a Judge of the Court. The Court shall at the end of every month make a return to the Collector of the Stamp Revenue of the District, of the monies (if any) which it has so received, distinguishing between the monies received by way of penalty and those received by way of Duty, stating the number and title of the suit and the name of the party from whom such monies were received, and the date, if any, and description of the document, for the purpose of identifying the same, and the Court shall pay over the said monies to such Collector, or to such person as he may appoint to receive the same. And such Collector or other proper authority shall, upon the production of the Deed, Instrument, or Writing, with the endorsement hereinbefore mentioned, cause it to be stamped thereon with a Stamp of the amount paid into Court on account of such

Duty. All the Provisions hereinbefore contained as to the mitigation or payment of penalties paid to the Collector shall be applicable to penalties paid into Court.

Sixth.—No Deed, Instrument, or Writing executed on unstamped or insufficiently Stamped paper shall be stamped at any time after the execution thereof, except as aforesaid.

Seventh.—The cost of transmitting all Deeds, Instruments, and Writings required to be stamped under this Section, and the cost of registering the same at the Post Office for transmission, shall, in all cases, be borne by the party applying to have such Deeds, Instruments, and Writings stamped.

Eighth.—The Government shall not be responsible for any loss or damage which may occur in respect of any Deed, Instrument, or Writing entrusted to the Collectors of Stamp Revenue, and no person employed by the Government in the Stamp Department shall be responsible for any such loss or damage, unless that person shall wilfully, fraudulently, or by gross negligence, cause such loss or damage.

But no part of this Section shall extend to Bills of Exchange or other forms of orders for money drawn within the British Territories in India, or to receipts for money.

XIV. No larger sum shall be recoverable in any Court of Justice by reason of any Deed, Instrument, or Writing for which an optional Stamp is indicated to be proper by the said Schedule, than the largest sum for which, if specially stated in a Deed, Instrument, or Writing of the same denomination, the Stamp actually used under the option so given, would be of sufficient value. And no such Deed, Instrument, or Writing shall be held by any Court of Justice to be valid in respect to any sum of money larger than that for which the Stamp on the said Deed, Instrument, or Writing would be sufficient.

XV. Every person receiving payment of any sum of money, the receipt for which under this Act requires a Stamp, shall, if required, give a receipt bearing the proper Stamp indicated by this Act, and shall bear the expense of furnishing the same, and in case of refusal shall be liable to a penalty not exceeding one hundred Rupees. The expense of providing the Stamp of all Bills of Exchange, Letters of Credit, Drafts, Cheques on Bankers or others, Promissory Notes and other Orders and Obligations for the payment of money made or drawn in the British Territories in India (not being Bonds or Instruments or Writings bearing the attestation of one or more witnesses), shall be borne by the person making or drawing the same.

XVI. Except within the local limits of the jurisdiction of the Courts established by Royal Charter, no Instrument or writing of any of the kinds specified as requiring Stamps in the Schedule B annexed to this Act, shall be filed, exhibited, or recorded in any Court of Justice or Office with respect to which Court or Office such

Instrument or Writing is required by Schedule B to have a Stamp, or shall be received or furnished by any public Officer, unless such Instrument or Writing be upon a Stamp prescribed as aforesaid by the Governor-General of India in Council, and of a value not less than that indicated to be proper for it by the said Schedule B.

XVII. Every provision contained in the Schedules annexed to this Act shall be of the same force as if it were contained in the body of the Act.

XVIII. The Governor-General in Council may, by an order to be published in the *Calcutta Gazette*, direct that in any District such lower rates of Stamp Duty as he shall prescribe shall be taken on all or any of the Deeds, Instruments or Writings specified in the Schedules to this Act, or altogether exempt the same, and in like manner, as occasion shall require, conceal or vary such order to the extent of the powers hereby given. Provided that this Section shall not extend to Bills of Exchange or other Instruments classed as Bills of Exchange.

XIX. The local Executive Government may appoint Officers for the collection of the Stamp Revenue, and may prescribe the duties of such Officers and may assign districts to such Officers, and may license or cause to be licensed vendors of Stamps, and may direct how and under what conditions Stamps may be supplied to such vendors for sale.

XX. Every vendor of Stamps shall at all times have his license, together with the Schedules annexed to this Act, in the vernacular language of the District stuck up in a conspicuous situation in the place where he sells the Stamps, on pain of a fine not exceeding fifty Rupees.

XXI. Every vendor of Stamps shall write on some convenient part of each Stamp which he issues, except Stamps used for Receipts or for Bills of Exchange, Promissory Notes, Drafts, or other Orders for money, Banker's agreements for loans, or Bills of lading, the date of issue, the name of the person to whom it is issued and his own ordinary signature, on pain of a fine not exeeding one hundred Rupees.

XXII. Any vendor who shall knowingly write a false date or name on the back of any Stamp, shall be punished by a fine not exceeding five hundred Rupees, or imprisonment not exceeding three months, or both.

XXIII. Every vendor of Stamps shall, without delay, deliver any Stamp which he has in his possession for sale on demand by any person tendering the value in any currency which the vendor is duly authorized to receive in payment for Stamps, on pain of a fine not exceeding one hundred Rupees.

XXIV. Any vendor who demands or accepts for any Stamp any consideration other than the value thereof in such currency as he is duly authorized to receive in payment for Stamps, shall be punished by a fine not exceeding one hundred Rupees.

XXV. Any vendor who demands or accepts for any Stamp any consideration exceeding the value of such Stamp, shall be punished by imprisonment for a period not exceeding six months, or by a fine not exceeding ten times the value so demanded or accepted, or by both, and it shall be in the discretion of the Court or Officer passing the sentence to direct the value of the excess to be refunded out of such fine to any person from whom such excessive consideration may have been accepted.

XXVI. Any vendor or other person who, after any period which may have been appointed by the Governor-General in Council for the commencement of the use of new Stamps, sells any old Stamps, shall be punished by a fine not exceeding one hundred Rupees.

XXVII. If any vendor refuses or omits to render any accounts required by the provisions of any bond he may have entered into, or to permit the Collector of the Stamp Revenue of the District or any Officer duly authorized by him to inspect his accounts, or to examine the store of Stamps in his possession, it shall be lawful for the said Collector to proceed against the said vendor for the recovery of the value of the balance of Stamps standing against the vendor in the books of the said Collector, or for the recovery of the balance of money standing against the said vendor in the said books, in the same manner as Collectors of Land Revenue are authorized by law to proceed against persons owing Revenue or rent to Government.

XXVIII. Any vendor who, upon the determination or resignation of his license, does not, within such reasonable time as shall have been prescribed by the Collector of the Stamp Revenue of the District, make over to some Officer duly authorized to receive them, accounts of all his transactions in relation to Stamps, kept according to the provisions of any bond he may have entered into, together with any Stamps remaining, or which ought to be remaining in his hands, and any balance of cash which may be due from him to Government on the abovementioned accounts, shall be liable to a fine not exceeding five hundred Rupees; provided always that no vendor shall, by the payment of such fine, be exempt from any punishment provided by law for any embezzlement of which he may have been guilty, or from such proceeding as by Section XXVII of this Act the Collector of the Stamp Revenue of the District is empowered to adopt for the recovery of the value of any Stamps or balance of cash remaining in the hands of or standing against such vendor.

XXIX. Upon the death of any vendor, his executors or Administrators, or in case there be no Executor or Administrator, any other person in possession of his effects, shall, upon demand being made by the Collector of Stamp Revenue or any Officer duly authorized by him, make over within a reasonable time to such Collector or Officer any Stamps which the deceased vendor may have received and not have issued at the time of his death, and any accounts of the transactions of the

deceased vendor in relation to Stamps which may have been kept according to the provisions of any bond such vendor may have entered into, of which Stamps and accounts such Executor, Administrator, or other person may have the possession, or be able to obtain the possession, on pain of a fine not exceeding five hundred Rupees.

XXX. In any of the cases specified in the preceding Sections the Collector of the Stamp Revenue of the District may call upon the surety or sureties of the vendor, or any of them, to make good the value of the balance of Stamps standing against the vendor in the books of the said Collector, or the balance of money standing against the vendor in the books of the said Collector, and on his or their failure to do so, may proceed against all or any of them for the recovery of the value of the balance of Stamps or for the recovery of the balance of money as aforesaid, in the same manner as Collectors of Land Revenue are authorized by law to proceed against the sureties of persons owing Revenue or rent to Government.

XXXI. No person not being a licensed vendor of Stamps duly appointed shall sell any Stamp unless it has been in an authorized manner obtained for use and not for sale, under pain of a fine not exceeding one hundred Rupees; provided that nothing in this Section shall be held to apply to any adhesive Stamp.

XXXII. *First.*—If any stamped paper, parchment, vellum, or the like, after having been obtained in the regular manner, shall have become damaged, spoiled, or unfit for use, either by any accident happening to the same, or because of error in the drawing up or copying any Instrument or Writing thereupon, which being discovered before such Instrument or Writing may be finally signed and executed, renders the same of no avail, or when by reason of the death or refusal of the party or parties whose signature may be necessary to effect the transaction intended by such Instrument or Writing it remains incomplete and of no avail, or when by the refusal of any office or trust that may be granted by an Instrument or Writing it has failed of the purpose intended, or in the case of Promissory Notes, Bills of Exchange, or the like, if by non-delivery to the payee or person acting on his behalf, or from other cause, the same are never brought to use, and in the case of Bills of Exchange if they shall not have been presented for acceptance; in all such cases it shall be competent to the Collector of the Stamp Revenue of the District duly appointed as above provided, upon delivery being made of the Stamped paper, parchment, vellum, or the like so damaged, spoiled, or rendered unfit for use, to cause similar Stamps or Stamps of equal value to be delivered as provided to the owner of the article or articles so damaged, spoiled, or rendered unfit for use, or to his representative, upon payment of the value of the paper, parchment, vellum, or other material on which the new Stamp may be impressed. But the rule contained in this Section

shall not extend to Bills of Exchange drawn in sets, of which any one of the set may have been delivered to the payee.

Second.—The owner of any Stamp which may be damaged, spoiled, or rendered unfit for use as aforesaid, shall prefer his application to the Collector of Stamp Revenue of the District in which he may have purchased it, and if the Collector be of opinion that the application ought to be complied with, he shall deliver or cause to be delivered, subject to the provisions of this Act, to the party or his representative, a Stamp similar to that which has been damaged, spoiled, or rendered unfit for use. Provided that the application be made within one year of the period when the Stamp may have become damaged, spoiled, or rendered unfit for use.

XXXIII. Any person who fraudulently counterfeits any Stamp, or who alters any Stamp with the intention that it shall pass for a Stamp of greater value, or makes or uses any die for either of the above purposes, or who fraudulently issues or exposes for sale any counterfeit Stamp or any Stamp altered as above described or who fraudulently uses any counterfeit Stamp or any Stamp altered as aforesaid, shall be punished by imprisonment with or without hard labor for a term not exceeding four years or by transportation for a term not exceeding seven years.

XXXIV. No Justice of the Peace or any Officer, before whom an affidavit not made for the immediate purpose of being filed, read, or used in any Court of Law may be taken, shall receive or attest such affidavit unless it be written on a Stamp of not less than the value prescribed in Schedule A annexed to this Act.

XXXV. From the time when this Act shall come into force, in all cases of the sale of any lands, annuities, or other property, real or personal, moveable or immoveable, or of any right, title, interest, or claim in any such property, when a Duty is imposed by this Act on the conveyance thereof, the full purchase or consideration money directly or indirectly paid or secured or agreed to be paid for the same, shall be truly expressed and set forth in words at length in the principal Deed, Instrument or Writing, whereby the property sold shall be conveyed to or vested in the purchaser or in any other person; and if the full purchase or consideration money shall not be fully and truly expressed and set forth in the manner above directed, the purchaser and seller shall each forfeit a sum not exceeding five hundred Rupees, and be charged with the payment of five times the amount of the excess of Duty which would have been payable for the said Deed, Instrument, or Writing in respect of the full purchase or consideration money, if the same had been duly expressed in the said Deed, Instrument, or Writing beyond the amount of Duty actually paid for the same.

XXXVI. If any person shall knowingly and wilfully insert or set forth in such Deed, Instrument, or Writing, any less amount than the full and true purchase or

consideration money directly or indirectly paid or secured or agreed to be paid for the same, he shall incur the penalties prescribed in the last preceding Section.

XXXVII. No person shall be proceeded against for any offence affecting the Public Revenue under this Act except at the suit or prosecution of the Collector of the Stamp Revenue acting under the orders of the Board of Revenue, or other Authority charged by Government with the duty of carrying out the provisions of this Act, or other Public Officer duly authorized by Government.

XXXVIII. Every offence punishable by this Act, except the offences punishable by Section XXXIII, shall be tried by any Magistrate or Justice of the Peace.

XXXIX. The offences punishable by Section XXXIII shall be tried by the Court having jurisdiction over the same, whether it be the Supreme Court of Judicature or the Session Judge or other Officer.

XL. If any person sentenced to any fine under the provisions of this Act, shall not pay the fine to which he shall be sentenced, it shall be lawful for the Officer or Court who tried him, to issue his or their warrant to levy the amount by distress and sale of the goods and chattels of the party fined, or to sentence the offender to imprisonment until the payment of the fine, or the expiration of a term to be assigned, not exceeding three months, whichever shall first take place.

XLI. Throughout this Act and the Schedules annexed to it, the word "Stamp," except when the contrary shall appear from the context, is used to signify a stamped piece of paper or other stamped material for writing on; the term "Bill of Exchange" shall include a Hoondee or any other Instrument of a like nature; and by the "value" of a Stamp is meant a sum indicated by words or figures duly impressed upon such piece of paper or other materials.

XLII. This Act shall come into force from the 1st of October 1860.

SCHEDULE A.

Specifying Deeds, Instruments, and Writings which require Stamps, and indicating the proper Stamps for those Deeds, Instruments, and Writings.

	Proper Stamps.
1. Agreement, Ikrar, or any Minute or Memorandum of an Agreement; such Agreement, Minute, or Memorandum not being otherwise provided for in this Schedule, whether the same be only evidence of a contract or obligatory upon the party—	
If relating to matters capable of valuation, and with the value stated ...	The same Stamp as for a Bond for the payment of the amount of the value stated.
If for an annual or any periodical payment ...	The same Stamp as for a Bond for the amount of ten years' payment, or of the total sum secured if less.
If for the performance of any legal act, or for a purpose not restricted to, nor specifying any amount ...	An optional Stamp—See Section XIV of the Act.
Agreements for loans by Bankers made for short periods upon the deposit of Notes or other Securities of the Government of India, with or without a deposit of the Acceptance or Promissory Note of the borrower, provided that no such agreement is drawn in the form of a Bond or of a Bill of Exchange or Promissory Note or in any such way as would render it a negotiable Instrument passing by endorsement for whatever amount, in case such loan shall not exceed one month, the uniform Stamp of ...	2 Rupees.
And in case such loan is for a period exceeding one month or not exceeding three months ...	4 Rupees.
Exemptions.	
Agreement for the hire of any Laborer, Artificer, Manufacturer, or menial Servant.	
Agreement, Memorandum, or Letter made for or relating to the sale of any Goods, Wares, or Merchandize.	
2. Affidavits and solemn declarations not made for the immediate purpose of being filed, read, or used in any Court of Law, per sheet ...	1 Rupee.
3. Assignments, if not of the nature specified under the heads of Conveyances and Settlements, nor specially exempted—	
In cases where the Assignment is of any interest secured by an original Deed or Instrument on a Stamp of a value less than eight Rupees ...	The same Stamp as the original Deed.
In other cases ...	8 Rupees.

	Proper Stamps.	
Exemption.		
All transfer by mere endorsement of Bills of Exchange, Promissory Notes, and other negotiable Instruments; and of Bills of Lading, and transfers by Assignment of Policies of Assurance.		
4. Bills of Exchange, Letters of Credit, Drafts, Cheques on Bankers or others, Promissory Notes, Hoondees, and other orders and obligations for the payment of money, not being Bonds, or Instruments, or Writings, bearing the attestation of one or more witnesses—		
If payable to the bearer or to order on demand, and bearing the date on which the draft or order is made, except Bank Notes payable to bearer on demand ...	*Rs.* 0 *As.* 1	
If the sum payable does not exceed 50 Rupees ...	0 ½	
If payable at any period not exceeding one year after date or sight, then—	Inland and Foreign if drawn singly.	Foreign if drawn in sets of three, each to be Stamped.*
	Rs. As.	Rs. As.
Bills not exceeding 100 Rupees.	0 1	0 1
Above 100 and ditto 250 „	0 3	0 1
„ 250 ditto 500 „	0 6	0 2
„ 500 ditto 1,000 „	0 12	0 4
„ 1,000 ditto 2,500 „	1 8	0 8
„ 2,500 ditto 5,000 „	3 0	1 0
„ 5,000 ditto 10,000 „	6 0	2 0
„ 10,000 ditto 20,000 „	12 0	4 0
„ 20,000 ditto 30,000 „	18 0	6 0
„ 30,000 and upwards	24 0	8 0
5. Any of the Instruments described in No. 4, payable at a period exceeding one year after date or sight, ...	The same Stamp as for Bonds for the payment of the same amount.	
6. Bills of Lading of or for any Goods Merchandize, or effects to be exported ...	*Rs.* 0 *As.* 4 for each part of every set.	
7. Bills of Sale—See Conveyance and Mortgage.		
8. All Bonds or other obligations for the payment of any definite or certain sum of money not otherwise charged for or expressly exempted from the payment of Stamp Duty in this Schedule.		
	Rupees.	*Annas.*
If for any sum not exceeding 50 Rs.	0	4
Above 50 Rs. and not exceeding 100 „	0	8
„ 100 „ ditto 200 „	1	0
„ 200 „ ditto 300 „	2	0

	Proper Stamps.	
	Rupees.	*Annas.*
Above 300 Rs. and not exceeding 500 Rs.	4	0
„ 500 „ ditto 700 „	5	0
„ 700 „ ditto 1,000 „	6	0
„ 1,000 „ ditto 2,000 „	10	0
„ 2,000 „ ditto 3,000 „	15	0
„ 3,000 „ ditto 5,000 „	25	0
„ 5,000 „ ditto 10,000 „	35	0
„ 10,000 „ ditto 20,000 „	60	0
„ 20,000 „ ditto 40,000 „	100	0
„ 40,000 „ ditto 60,000 „	125	0
„ 60,000 „ ditto 80,000 „	150	0
„ 80,000 „ ditto 1,00,000 „	200	0
And for every further part of a lakh, ...	100 Rupees.	
And for every further full lakh, ...	200 „	
9. Bonds or other obligations, concerning respondentia and bottomry, .	The same Stamp as for a common money Bond for the like amount.	
10. Bonds or other obligations given as security for the transfer of Government Securities or Stock of any public Company or for the delivery or accounting for any matter or thing capable of being valued, ...	The same Stamp as for a Bond for the payment of the amount engaged to be paid or accounted for, or of the value of the thing to be delivered or transferred.	
11. Bonds or other obligations for an annual or any periodical payment, not being interest upon any principal sum secured by the Bond, whether for a fixed or for an indefinite period, ...	The same Stamp as for a Bond for the payment of a sum equal to ten times the yearly payment, or of the total sum secured, if less.	
12. Bonds or other obligations when the amount of the money to be secured is not specified, ...	An optional Stamp—See Section XIV of the Act.	
When the amount is limited to a certain sum, ...	The same Stamp as for a Bond for the payment of such limited sum.	
13. Bonds or other obligations for the due execution of an office or work, taken by individuals, and all other Bonds not otherwise specially provided for, ...	An optional Stamp—See Section XIV of the Act.	
14. Bonds or other obligations taken as collateral security with some Deed or Instrument executed on the Stamp prescribed for Conveyances or Money Bonds, or as security for the performance of any other contract, covenant, or agreement not being for the payment of money, the transfer of property, or the satisfaction of any pecuniary demand ...	The same Stamp as the Deed, Instrument, Contract, Covenant, or Agreement, if of value not exceeding eight Rupees; otherwise a Stamp of eight Rupees.	
15. Security Bonds or other obligations which may be taken by or by order of any Court, Collector, or other Judicial or Revenue Authority, also Razeenamahs, Sooluhnamahs, and Rufanamahs, filed in any suit pending in a Court of Justice. ...	To be charged as specified and prescribed in Schedule B.	

	PROPER STAMPS.
16. Charter-parties, or any agreement or contract for the Charter of any Sea-going Ship or Vessel, or any memorandum, letter, or other writing between the Captain, Master, or Owner of any such Ship or Vessel, and any other person, for or relating to the freight or conveyance of any money, goods, or effects on board of such Ship or Vessel,...	2 Rupees.
17. Composition Deeds or other Instruments of composition between a debtor or debtors and his, her, or their creditors, ...	8 Rupees.
18. Contracts and Deeds, if not otherwise specially provided for, ...	As agreements.
19. Conveyances or Deeds or Instruments of any kind or description whatsoever, executed for the sale or transfer, for a consideration, of any lands, tenements, rents, annuities, or other property, real or personal, moveable or immoveable, or of any right, title, or claim to or upon, or interest in, any lands, houses, rents, annuities, or other property, that is to say, for or in respect of the principal or only Deed, Instrument, or Writing whereby the property sold shall be conveyed to or otherwise vested in the purchaser or purchasers, or to some other person by his, her, or their directions.	

					Rs.	As.
When the purchase or consideration money therein expressed or denoted shall not exceed one hundred Rupees, ...					1	0
Above	100 Rs.	and not exceeding	200	Rs.	2	0
„	200 „	ditto	400	„	4	0
„	400 „	ditto	800	„	8	0
„	800 „	ditto	1,200	„	12	0
„	1,200 „	ditto	2,000	„	20	0
„	2,000 „	ditto	3,000	„	30	0
„	3,000 „	ditto	4,000	„	40	0
„	4,000 „	ditto	5,000	„	50	0
„	5,000 „	ditto	7,500	„	75	0
„	7,500 „	ditto	10,000	„	100	0
„	10,000 „	ditto	20,000	„	150	0
„	20,000 „	ditto	40,000	„	200	0
„	40,000 „	ditto	60,000	„	300	0
„	60,000 „	ditto	80,000	„	400	0
„	80,000 „	ditto	100,000	„	500	0
And for every further			50,000	„	200	0
Or part thereof, ...					100	0

Conveyances when the consideration is an annuity: ...	The same Stamp as for a Conveyance when the purchase money is equal to ten times the annuity.

	Proper Stamps.	
Conveyances of any kind whatever not otherwise charged, if the value of the property conveyed or of the consideration for the Conveyance be stated or appear on the face of the Conveyance, ...	The same Duty as would be charged if a consideration in money equal to such value were expressed in the Conveyance as the consideration thereof.	
If no value appear on the face of the Conveyance, ...	Fifty Rupees.	
NOTE.—When of several Deeds, Instruments, or Writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed. In all cases, however, where there are more Deeds than one, every other Deed than the principal requires the same Stamp as the principal Deed, if of value not exceeding eight Rupees (which shall be the maximum Stamp for collateral Deeds), and all such collateral Deeds shall specify by their contents which other is the principal Deed by which the Conveyance has been effected, certifying that it is executed on the proper Stamp.		
Transfers of the shares of any Banking Corporation or any Joint Stock Company, by endorsement or otherwise, when the full nominal value of the share so transferred does not exceed 100 Rupees, per share, ...	*Rupees.* 0	*Annas.* 4
When the value exceeds 100 Rs. and not 200 Rs. ...	0	8
When the value exceeds 200 Rs. and not 300 Rs. ...	0	12
When the value exceeds 300 Rs. and not 400 Rs. ...	1	0
and for every additional value of 100 Rs. a further Duty of 4 annas, and for the transfer of every quarter or half of any such share, a corresponding rate of Duty.		
EXEMPTION.		
All transfers of subscription to any of the Government Loans, or other Government Securities.		
20. CO-PARTNERSHIP.—Deeds or other Instruments of— ...	8	0
21. COPIES.—Copy or Extract of any Deed or Instrument attested to be a true copy or extract and furnished for the purpose of being given in evidence for the recovery of any sum of money, property, interest, or right secured thereby, ...	The same Duty as prescribed for the original Deed by this Act.	

	Proper Stamps.	
	Rupees.	*Annas.*
22. Where such copy may be made for the security or use of any person not being a party to, or taking any benefit or interest immediately under the agreement, contract, bond, deed, or other instrument, per sheet...	0	8
23. Copy or Extract of any Deed, Instrument, Schedule, Receipt, or other matter annexed to any agreement, contract, bond, deed, or other instrument, per sheet ...	0	8
24. Copies authenticated of any records, letters, accounts, statements, reports, or other writings, furnished to individuals from any of the Public Offices of Government, per sheet ...	0	8
For copies of Revenue and Judicial Papers to be given from the Courts of Justice, Revenue Kutcherries, &c. ...	See Schedule (B).	
Exemption.		
Copies of papers which Public Officers are directed by any law or general regulation to make, require, or furnish, for which Stamps are not specially required by this Schedule.		
25. Deeds of gift and dower whether to take effect on the instant, or at a future period, determinate or indeterminate ...	The same Stamp as for Conveyances.	
26. Deeds of any kind not otherwise particularized in this Schedule ...	As Agreements.	
27. Exchanges.—Any Deed or Instrument whereby any real property shall be conveyed or surrendered in exchange for other property—	The same Stamp as for Conveyances.	
28. Engagements to cultivate, produce, provide, or derive any article of commerce in consideration of advance made ...	Shall be charged on the amount advanced at the rate of Bonds.	
29. Leases.—Any lease made in perpetuity, or for a term of years, or period determinable within one or more lives, or otherwise contingent, in consideration of a sum of money paid in the way of premium, fine, or the like, if without rent	The same Stamp as for a Conveyance or Deed of Sale for a sum of the amount of such consideration.	

30. Any lease of lands, houses, or other real property at a rent, without any payment of any sum of money by way of fine or premium—	When the lease is for a period not exceeding one year.		When the lease is for a period exceeding one year.	
	Rs.	As.	Rs.	As.
Where the rent calculated for a whole year shall not exceed 24 Rupees	0	4	0	8
Exceeding 24 Rupees but not exceeding 50 Rs.	0	8	0	12
„ 50 „ „ 100 „	0	12	1	0
„ 100 „ „ 250 „	1	0	2	0
„ 250 „ „ 500 „	2	0	4	0
„ 500 „ „ 1,000 „	4	0	8	0
„ 1,000 „ „ 2,000 „	8	0	16	0

	Proper Stamps.			
	When the lease is for a period not exceeding one year.		When the lease is for a period exceeding one year.	
	Rs.	As.	Rs.	As.
Exceeding 2,000 Rs. but not exedg. 4,000 Rs.	16	0	32	0
" 4,000 " " 6,000 "	24	0	48	0
" 6,000 " " 10,000 "	40	0	80	0
" 10,000 " " 25,000 "	100	0	200	0
" 25 000 " " 50,000 "	200	0	400	0
and for every additional 25,000 or part thereof.	100	0	200	0
31. Any lease of lands, houses, or other real property at a rent for an indefinite term, and without any payment of any sum of money by way of fine or premium ...	The same Stamp as for a lease for a period exceeding one year.			
32. Any lease of lands, houses, or other real property, stipulating for a rent, and granted in consideration of a fine or premium ...	A Stamp of value equal to the joint values of the Stamps for a Conveyance in consideration of the fine, and a lease for the rent.			
33. The counterpart of any lease, or a Kubooleut or the like ...	The same Stamp as for the lease.			

Exemptions.

All Leases, Pottahs, and Kubooleuts executed and exchanged with ryots, and other actual cultivators of the soil, provided that no fine or premium be paid and no Security Bonds executed as part of the same transactions.

(For Madras and Bombay)

Every Lease and its counterpart (Pottah and Kubooleut) or other engagement contracted between landlord and tenant, relative to lands subject to the payment of Revenue to Government.

	Rupees.	*Annas.*
34. Letters, or Powers of Attorney, Mooktarnamahs, &c., not being of the kinds provided for in Schedule B—		
For the performance of any special act or acts, or of the acts connected with any one particular suit, case, or transaction	0	8
General, that is not restricted as above,	4	0
Warrant of Attorney to confess judgment, or Cognovit, unless taken as collateral security for the payment of any sum of money secured by another Instrument stamped with an ad valorem Stamp under this Act,	The same Stamp as for a Bond.	
If given as such collateral security as above-mentioned.	Five Rupees.	
Note.—For Wakalutnamahs, Mookternamahs, and other powers required to be filed for the conduct of suits, regular or summary, or proceedings of any kind pending before the Courts of Judicature or before the Revenue Authorities	See Schedule (B)	

	Proper Stamps.	
	Rupees.	*Annas.*
35. Letters of license from creditors to debtors ...	8	0
36. Mortgages.—Any deed of mortgage or of conditional sale with or without possession given, of or for any lands, estates, or property, real or personal, intended as a security for money due or to be lent thereupon; also any deed or contract accompanied with a deposit of title deeds to any property, where the same may be made as security for payment of money due or lent at the time, ..	The same Stamp as for a Bond for the payment of the amount due or lent.	
37. Re-conveyance of mortgaged property, ..	The same Stamp as for assignments.	
38. Release of an equity of redemption, ...	The same Stamp as for Conveyances.	
39. Deeds of mortgage, or the like, given as security for the transfer of Government Securities or for the payment of an annuity for a fixed period, or for the delivery at a future date of any matter or thing capable of being valued, ...	The same Stamp as for a Bond for the payment of the total amount assured, or for the *bonâ fide* value.	
40. Deeds of mortgage given for the security of annuities for an indefinite period, such as life annuities, ...	The same Stamp as for ten times the annual payment.	
Where it may be stipulated that the amount secured by such mortgage shall not exceed a certain sum. ...	The same Stamp as for deeds of mortgage of such limited sum.	
Where the total amount secured by the mortgage is unlimited, ...	An optional Stamp—See Section XIV of the Act.	
Where a Bond may have been already taken for the amount secured, or where from any other cause the mortgage shall act merely as a collateral security to some other transaction in which an Instrument requiring a Stamp has been executed, ...	The same Stamp as for the Bond or other Instrument, if of value not exceeding eight Rupees; otherwise a Stamp of eight Rupees.	
Where there are more Deeds than one required to execute the mortgage in the manner desired by the parties, then for every other Deed than the principal Deed, provided the original Deed has been duly stamped, ...	The same Stamp as for the principal Deed, if of value not exceeding eight Rupees; in other cases a Stamp of eight Rupees.	
41. Mortgages, assignments or acknowledgments granted for loans of advances made on the deposit of Government Securities, bullion, plate, jewels, or other goods,...	The same Stamp as for Promissory Notes.	
42. Partitions by private agreement or made by Public Officers, of estates or property, real or personal, or in the nature of separation of brotherhood, as amongst Hindoos, for every such sharer's copy of the deed of partition—		

	Proper Stamps.	
	Rupees.	*Annas.*
When the sharer's portion does not exceed one hundred Rupees in value, ...	0	8
Exceeding 100 Rs., and not exceeding 200 Rs.	1	0
„ 200 „ ditto 400 „	2	0
„ 400 „ ditto 600 „	4	0
„ 600 „ ditto 800 „	6	0
„ 800 „ ditto 1,000 „	8	0
And for every additional four hundred Rupees, or part thereof, ...	2	0
When the subject of the partition, consisting either wholly or in part of other property than money, and money, not being part of such subject, is paid, or agreed to be paid for the purpose of compensating any difference from just proportion in the partition actually made of that subject, ...	A Stamp of value equal to the joint values of the Stamp which would have been required had the subject of partition been actually divided with the just proportion, and of the Stamp for a Conveyance or Deed of Sale for a sum equal to the amount so paid, or agreed to be paid, for the purpose of compensating the difference therefrom.	
43. Policy of Assurance or Insurance, or other Instrument, by whatever name the same shall be called, whereby an Insurance shall be made upon any life or lives, or upon any event depending upon any life or lives—		
For every sum of one thousand Rupees and also for each and every fractional part of one thousand Rupees, ...	*Rupees.* 0	*Annas.* 8
44. Policy of Insurance of any ship, vessel, sloop, lighter, boat, or the like, or of any goods or property on board, or upon the freight of any ship, vessel, sloop, lighter, boat, or the like, or upon any other interest relating thereto, or upon any voyage where the premium shall not exceed two per centum on the sum insured, if the whole sum insured shall not exceed one thousand Rupees.	0	8
If the sum insured exceed one thousand Rupees, then for every one thousand Rupees, and also for any fractional part of one thousand Rupees, whereof the same shall consist	0	8
Where the premium shall exceed two per cent on the sum insured, if the whole sum shall not exceed one thousand Rupees, ...	1	0
If the sum insured exceeds one thousand Rupees, then for every one thousand Rupees and also for any fractional part of one thousand Rupees whereof the same shall consist,	1	0
Promissory Notes, ...	See Bills of Exchange.	
45. Promissory Notes for the payment of any sum by instalments that is Kistbundies, or for the payment of several sums at different dates, so that the whole of the money to be paid shall be definite and certain, ...	The same Stamp as for a Bond for the payment of the whole amount.	

	Proper Stamps.	
	Rupees.	*Annas.*
46. Protest of any Bill of Exchange or Promissory Note for any sum of money, or any Notarial Act not otherwise charged or exempted in this Schedule, ...	2	0
47. Receipts or discharges given for the payment of money or in acquittal of a debt paid in money or otherwise, when the sum received, discharged, or acquitted, amounts to ten Rupees, and does not exceed fifty Rupees, ...	0	½
If the sum exceeds fifty Rupees, ...	0	1

EXEMPTIONS.

(For the Presidency of Bengal.)

Receipts or discharges with respect to the rent of land paying Revenue to Government, granted to any ryot or other actual cultivator for the rent of land tilled by him.

(For the Presidencies of Madras and Bombay.)

Receipts or discharges with respect to the rent of land paying Revenue to Government granted to any tenant for the rent paid by him.

GENERAL EXEMPTIONS.

Receipts or discharges written upon Promissory Notes. Bills of Exchange, Drafts, or Orders for the payment of money duly stamped.

Letters sent by the post acknowledging the arrival of any Promissory Notes, Bills of Exchange, or other securities for money.

Receipts or discharges written upon or contained in any Mortgage Deed, or other security or any Deed of Conveyance, Settlement, Personal Bond, or other Instrument duly stamped, acknowledging the receipt of the consideration money therein expressed or the receipt of any principal money, interest, or annuity thereby charged.

Receipts given for money deposited in any Bank, or in the hands of any Banker, to be accounted for, whether with interest or not, provided the same be not expressed to be received of or by the hands of any other than the person to whom the same is to be accounted for. Provided always that this exemption shall not extend to receipts or acknowledgments for sums paid or deposited for or upon letters of allotment of shares, in respect of calls upon any scrip or shares of or in any Joint Stock or other

	Proper Stamps.
Company, or proposed or intended Company, which such last mentioned receipts or acknowledgments, by whomsoever given, shall be liable to the Duty charged upon receipts.	
48. Schedules referred to in any Agreement, Lease, Bond, Deed, or other Instrument, for every thousand words, or part thereof, ..	*Rupees.* 10 *Annas.* 0
49. Settlements, Marriage Settlements, &c., namely any Deed or Instrument whereby any sum or sums of money, or any Government Securities or other property, real or personal, shall be settled, or agreed to be settled, upon or for the benefit of any person or persons, in any manner whatsoever.	The same Stamp as for a Bond for the payment of the amount or value settled or agreed to be settled; or in cases in which the value shall be indeterminate, an optional Stamp—See Section XIV of the Act.

EXEMPTION.

Wills, Testaments, and the like, together with Deeds merely declaratory of trust or appointment or apportionment or otherwise, in execution of powers or pursuant to any previous Settlement, Deed, or Will.

GENERAL EXEMPTION AND RULE.

Deeds, Instruments, and Writings of any kind, in which Government, or any Board, Commission, Court, or Public Officer may, in a public capacity, be a party, do not require Stamps.

NOTE.—The foregoing exemption does not extend to Deeds, Instruments, and Writings executed to or by the Court of Wards, Local Agents, or Officers acting under their authority, or to or by any Administrator General; neither does it extend to sales made for the recovery of arrears of revenue or rent, or in satisfaction of decrees or orders of Court, in which cases the purchasers shall be required to pay, along with the purchase money, the price of the requisite Stamp or else provide such Stamp, and shall receive from the Officer conducting the sale a Deed of Sale (Byenamahs) executed on the proper Stamp.

Any Deed, Instrument, or Writing required by the foregoing Schedule to be Stamped may be written on one or more Stamps, if the value of the Stamps used amount to the value required by the Schedule.

Deeds for securing gifts or dispositions made by previous Settlements, Deeds, or Wills.

SCHEDULE B.

Referred to in Section XVI of the Act, containing the Specification of Duties chargeable on Law Papers.

	Proper Stamps.	
1. Bail or Security Bonds (Hazir or Fial Zamin) whether of specified amount or with a penalty of a specific sum of money or of indefinite amount, when furnished and filed under special order of a Civil Court or of any Revenue Officer exercising Judicial powers, ...	To be charged as Petitions.	
When executed between individuals not by order of Court. ...	To be charged as Bonds—See Schedule (A).	
2. Copies of Judgments and Decrees when passed in any Court below the Sudder Dewanny Adawlut in all regular suits of which the value of the claim amounts to fifty Rupees—per sheet. ...	*Rupees.* 1	*Annas.* 0
When passed in the Sudder Dewanny Adawlut in any regulur suit—per sheet ...	4	0
3. Copies of Revenue and Judicial proceedings or Orders, or Copies of Accounts, Statements, Reports, or the like filed on record and taken out for use or reference, or when left on proceedings in place of originals withdrawn—per sheet,	0	8
And each sheet shall be of a size not exceeding that fixed for copy paper (No. 3 of the Stamp Office) and shall be written on one side thereof only.		
4. Mooktarnamahs, Wakalutnamahs, and other powers, filed or presented for the conduct of suits, regular or summary, of cases or proceedings of any kind pending before any Civil or Criminal Court or before the Revenue Authorities—		
When presented to any Sudder Court, ...	2	0
When presented to any Board of Revenue or Board or Commissioner of Customs, Salt, and Opium, ...	2	0
When presented to any Court, Civil or Criminal, other than the Sudder Court, or to any Collector or other Revenue Officer, ...	0	8

Exemptions.

Mookhtarnamahs executed by Officers or Soldiers of the Army.

Counsel admitted in any case by any Criminal Court to appear on behalf of a prisoner without a written Mookhtarnamah.

	Proper Stamps.	
	Rupees.	*Annas.*
5. Petitions of appeal not being from an order rejecting a plaint or from a decree or order having by any law the force of a decree; petitions or applications presented to any Civil Court, in relation to any matter cognizable by such Court, shall be written upon Stamp paper of the following value, namely,		
When presented to the Sudder Court, ...	2	0
When presented to any Court below the Sudder Court, ...	0	8
Special Rule for Bengal.		
Petitions or applications not falling within any of the Exemptions of this Schedule, presented to the Nizamat Adawlut or to the Board of Revenue or Customs, Salt, and Opium, ...	2	0
Petitions or applications not falling within any of the Exemptions of this Schedule, presented to any other Cirminal Court or to any other Revenue Office, ...	0	8
General Exemptions.		
Petitions or applications presented to any Moonsiff's Court in relation to any suit or case of an amount or value less than fifty Rupees, or to a Collector or Deputy Collector in relation to any suit or case of the same amount or value tried under Act X of 1859.		
Applications for the summons of a witness or other person to attend either to give evidence or to produce a document or in respect of the production or filing of any exhibit.		
Petitions of appeal presented to Magistrates agaist Chowkeedary assessment.		
Communications made to Magistrates in regard to Police matters not intended for record.		
Petitions to Collectors or Officers making settlements relating to matters connected with the assessment of lands, the ascertainment of rights, or to other matters affecting the settlement of the Government revenue on lands, if presented pending the formation of such settlements.		
Petitions to Boards or Commissioners of Revenue relating to the same.		
All Petitions, applications, charges, and informations respecting crimes and offences.		

PROPER STAMPS.

Petitions from prisoners, convicts, persons under examination or otherwise in duress, or under restraint of the Court or its Officers.

EXEMPTIONS FOR THE PRESIDENCIES OF MADRAS AND BOMBAY.

No petition or application to the Revenue Authorities need be presented on Stamp Paper, except as prescribed in the Special Rule given at the close of this Schedule with respect to cases that fall within Regulation VI. 1828 of the Bombay Code.

6. PLAINT.—Petition of, in suits and appeals not otherwise provided for, instituted in any Civil Court not within the local limits of the jurisdiction of the Courts established by Royal Charter, for the recovery of any sum of money or to obtain possession of any interest, matter, or thing—

SCALE FOR PLAINTS.

				Rupees.	Annas.
If the amount or value of the property claimed shall not exceed			16 Rs.	1	0
Above	16 Rupees	and not exceeding	32 „	2	0
Do.	32 „	„	64 „	4	0
Do.	64 „	„	150 „	8	0
Do.	150 „	„	300 „	16	0
Do.	300 „	„	800 „	32	0
Do.	800 „	„	1,600 „	50	0
Do.	1,600 „	„	3,000 „	100	0
Do.	3,000 „	„	5,000 „	150	0
Do.	5,000 „	„	10,000 „	250	0
Do.	10,000 „	„	15,000 „	350	0
Do.	15,000 „	„	25,000 „	500	0
Do.	25,000 „	„	50,000 „	700	0
Do.	50,000 „	„	1,00,000 „	1,000	0
Do.	1,00,000			2,000	0

Petitions of plaint in suits instituted in the Courts of Collectors under Act X of 1859, shall be subject to the foregoing Duties.

NOTE.—*(a)*. Within the Presidency of Bengal in suits for lands paying revenue to Government, if forming one entire Mehal, or a specific portion thereof with a defined jumma, the value shall be assumed in the Ceded and Conquered Provinces, including Cuttack, at the amount of the annual jumma payable to Government on account of the Mehal or portion thereof as aforesaid; and where the land has been assessed in perpetuity, at three times the amount of the annual jumma.

	PROPER STAMPS.
(b). Within the Presidency of Madras, in suits for land paying Revenue to Government, the value of the property shall be assumed at the amount of the annual aggregate produce of the land computed as payable by the dependent Talookdars, Under-Farmers, and Ryots on account of the year in which the suit may be preferred.	
(c). Within the Presidency of Bombay, in suits for land paying Revenue to Government, the value of property sued for shall be calculated at the amount of the annual assessment.	
(d). In suits for Lakhiraj, Enam, or rent-free land, the value shall be calculated at eighteen times the aggregate annual rent payable by the ryots or other under-tenants of the land.	
(e). In suits instituted for houses, gardens, and other things of value, real or personal, not of the descriptions above specified; as well as for any interest in Malgoozaree land or for any other right or thing not capable of valuation under the above rules, the amount shall be computed according to the estimated selling price, or when no such estimate can be made, at the sum at which the plaintiff shall estimate the value of his suit; and suits for damages or compensation for injury sustained and the like shall be valued at the amount claimed by plaintiff.	
(f). If an appeal or plaint, which shall have been rejected by the Lower Court on any of the grounds mentioned in Act VIII of 1859, shall be ordered to be received, or if a suit shall be remanded in appeal for a second decision by the Lower Court, the Appellate Court shall grant to the Appellant a certificate authorizing him to receive back from the Collector the full amount of Stamp Duty paid on the petition of appeal.	
7. Razeenamahs, Rufanamahs, Soolunamahs, or the like, that is to say :—	
Any written application whereby, or according whereunto, a suit pending in a Civil Court shall be adjusted or be capable of adjustment, without an award of the presiding Judge or other Officer.	To be charged as in Petitions.

	PROPER STAMPS.
SPECIAL RULE FOR THE PRESIDENCY OF BOMBAY. Suits cognizable before Collectors under the operation of Chapter VIII Regulation XVII. 1827, as modified by Act XVI of 1838, shall be subject to the same rules in regard to Stamps, as are in force as above for the Courts of Civil Judicature. GENERAL RULE.—If the subject matter of any plaint, written statement, or petition cannot be conveniently comprised within one Stamp Paper of the value above prescribed one or more additional pieces of paper may be used of the value required for Petitions.	

Act No. XL of 1860.

Passed on the 11th September 1860.

An Act to amend Act XXXVI of 1860.

Whereas it is expedient to amend Act XXXVI of 1860 *(to consolidate and amend the law relating to Stamp Duties)*; It is enacted as follows :—

I. So much of the aforesaid Act as imposes Duties on Bills of Exchange, Letters of Credit, Drafts, Cheques on Bankers or others, Promissory Notes, Hoondees, and other Orders and Obligations for the payment of money, not being Bonds or other Instruments or Writings bearing the attestation of one or more witnesses, if payable at any period not exceeding one year after date or sight, or otherwise relates to such Instruments, shall not come into force until the 1st of January 1861, or until such subsequent date as the Governor-General in Council by an order in the *Gazette* previous to the said date may prescribe. Until that date all Regulations and Acts or parts thereof which are repealed by Section I of the aforesaid Act shall remain in full force as regards all such Instruments as aforesaid. Provided that nothing in this Act shall affect Drafts or Orders for the payment of money on demand, and bearing the date on which the Draft or Order is made.

II. If any person shall affix or use any adhesive Postage Stamp, which to his knowledge shall have been taken off or removed from any paper whereon any Receipt or any Draft, Order, or Bill of Exchange, or other Instrument requiring a Stamp under the said Act shall have been written, or from any letter or Packet, to or for any Receipt, Draft, Order or Bill of Exchange or other Instrument so requiring a Stamp, or to or for any paper whereon the same shall be or be intended to be written, or to or for any letter or Packet—every person so offending shall forfeit a sum not exceeding two hundred Rupees.

III. On and after the 1st January 1861, or such subsequent date as the Governor-General in Council, by an order in the *Gazette*, may prescribe, the Duty chargeable on the transfer of the shares of any Banking Corporation or Joint Stock Company which by any Law applicable to such Corporation or Company can be effected by simple endorsement, shall be denoted by an adhesive Stamp or more than one adhesive Stamp; and all the provisions of the said Act relating to the use of adhesive Stamps on Bills of Exchange and the like shall be applicable to such adhesive Stamps used as aforesaid. Until the 1st January 1861, or such subsequent date as may be prescribed, every transfer of the shares of any such Corporation or Company which can now be effected by endorsement, shall be accompanied by a Deed or Memorandum of transfer bearing a Stamp of the value prescribed for such transfers, otherwise the transferree shall be liable to a penalty not exceeding ten times the amount of the requisite Stamp.

IV. The rates of Duties prescribed in Article 4 of Schedule A of the said Act for inland and foreign Bills payable at any period not exceeding one year after date or sight, shall, as soon as the Law imposing such Duties shall come into operation, be the rates of Duties to be imposed on Letters of Credit, Drafts, Cheques on Bankers, Promissory Notes, Hoondees, and other Orders and Obligations for the payment of money at any period as aforesaid, not being Bonds or Instruments or Writings bearing the attestation of one or more witnesses.

V. Sections XXI and XXII of Act XXXVI of 1860 are repealed, and the following new Sections shall be read as Sections XXI and XXII of the said Act. :—

"XXI. Every Vendor of Stamps shall write on the back of each Stamp which he sells, except adhesive Stamps and Stamps used for Receipts, or for Bills of Exchange, Promissory Notes, Drafts, or other Orders for money, Bankers agreements for loans, or Bills of Lading, the date of issue, the name of the person to whom it is issued, and his own ordinary signature, on pain of a fine not exceeding one hundred Rupees."

"XXII. Any Vendor who shall knowingly write a false name or date on the back of any Stamp which he is required to endorse under the foregoing Section, shall be punished by a fine not exceeding five hundred Rupees, or imprisonment not exceeding three months, or both."

VI. Article 28 of Schedule A. of the said Act is repealed, and the following words shall be read as Article 28 of the said Schedule of the said Act :—

"28. Engagements to cultivate, produce, provide, or deliver any Article of Commerce in consideration of advance made.	Shall be charged on the amount advanced at the rate of Bonds."

VII. The said Act XXXVI of 1860 shall not extend to the Straits Settlement.

VIII. This Act shall be read and construed as part of Act XXXVI of 1860.

Act No. XLII of 1860.

Passed on the 6th October 1860.

An Act for the Establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter.

X. At the time of passing a decree under this Act, the Court may on the verbal application of the party in whose favor the decree is passed, direct immediate execution of the same by the issue of a warrant directed either generally against the personal property of the judgment debtor wherever it may be found within the local limits of the Court's jurisdiction, or specially against any personal

property belonging to the judgment debtor within the same limits which may be indicated by the judgment creditor.

ACT No. XLIII OF 1860.

Passed on the 6th October 1860.

AN ACT to amend Act VIII of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.)

WHEREAS it is expedient to amend the provisions relating to special appeals contained in Act VIII of 1859 *(for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)*; It is enacted as follows:—

I. No special appeal shall lie from any decision or order which shall be passed on regular appeal after the passing of this Act by any Court subordinate to the Sudder Court, in any suit of the nature cognizable in Courts of Small Causes under Act XLII of 1860, when the debt, damage, or demand for which the original suit shall be instituted shall not exceed five hundred Rupees. But every such order or decision shall be final.

II. If in any suit in which an order or decision is made final under this Act, any question of law, or usage having the force of law, or the construction of a document affecting the merits of the case, shall arise, on which the Court trying such suit shall entertain reasonable doubts, the Court may either of its own motion, or on the application of either of the parties to the suit, draw up a statement of the case, and submit such statement with its own opinion for the decision of the Sudder Court.

III. The Court may proceed in the case notwithstanding a reference to the Sudder Court, and may pass a decree contingent upon the opinion of the Sudder Court on the point referred; but no execution shall be issued in any case in which a reference shall be made to the Sudder Court, until the receipt of the order of that Court.

IV. Cases referred for the opinion of the Sudder Court shall be dealt with by a full bench of that Court.

V. The Sudder Court shall fix an early day for the hearing of the case, and shall notify the same by a proclamation to be fixed up in the Court-house of that Court.

VI. The parties to the case may appear and be heard in the Sudder Court in person or by pleader.

VII. The Sudder Court, when it has heard and considered the case, shall transmit a copy of its judgment under the seal of the Court and the signature of the

Register, to the Court by which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case conformably to the decision of the Sudder Court.

VIII. Costs, if any, consequent on the reference of a case for the opinion of the Sudder Court, shall be costs in the suit.

IX. Nothing in this Act shall extend to any decision or order passed on regular appeal by any Assistant Judge in the Presidency of Bombay.

X. This Act shall be construed and read as part of Act VIII of 1859.

ACT No. XLIV. OF 1860.

Passed on the 6th October 1860.

AN ACT for providing for the exercise of certain powers by the Governor-General during his absence from his Council.

WHEREAS the Governor-General in Council has declared that it is expedient that the Governor-General should visit the North-Western Provinces of the Presidency of Fort William in Bengal, and other parts of India, unaccompanied by any Member of his Council; It is enacted as follows:—

I. During the absence of the Governor-General from his Council, it shall be lawful for the Governor-General alone to exercise all the powers which might be exercised by the Governor-General in Council in every case in which the said Governor-General may think it expedient to exercise those powers.

II. All powers vested in the Governor-General in Council by any Act of the Government of India, may be lawfully exercised by the President in Council.

III. This Act shall commence from the day on which it shall be notified, by an order published in the *Official Gazette*, that the Governor-General has quitted Calcutta for the purpose of so proceeding as aforesaid, and shall not continue in force for a longer period than three months.

ACT No. LI OF 1860.

Passed on the 26th December 1860.

AN ACT further to amend Act XXXVI of 1860.

WHEREAS it is expedient further to amend Act XXXVI of 1860 *(to consolidate and amend the law relating to Stamp Duties)*; It is enacted as follows:—

I. Section I Act XL of 1860 *(to amend Act XXXVI of* 1860) is hereby repealed from the 1st January 1861.

II. So much of Act XXXVI of 1860 as imposes duties on Foreign Bills of Exchange drawn out of the British Territories in India, shall not come into force until such date as the Governor-General in Council by an order in the *Gazette* may prescribe. Until such date, all Regulations and Acts or parts thereof which are repealed by Section I of the said Act XXXVI of 1860, shall remain in full force as regards such Bills of Exchange as aforesaid.

III. This Act shall be read and construed as part of Act XXXVI of 1860.

Act No. XIII of 1861.

Passed on the 20th May 1861.

An Act to regulate temporarily the procedure of the Police enrolled under Act V of 1861 (for the regulation of Police.)

Whereas, pending the passing of a new Code of Criminal Procedure, it is expedient to pass a temporary Act for the guidance and direction of the Police Officers who shall be enrolled under the provisions of Act V of 1861 *(for the regulation of Police)* in the discharge of their duties, in so far as the same are not provided for by the said Act; It is enacted as follows :—

1. When a Magistrate shall direct a warrant of arrest to a Police Officer, such Officer shall forthwith execute the same so far as it may be within his power to do so.

2. A warrant directed to a Police Officer may be executed by any other Police Officer whose name shall be endorsed upon the warrant by the Officer to whom the warrant is directed.

3. A warrant issued by a Magistrate shall ordinarily be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate of the District in which it was issued.

4. When any person against whom a warrant is issued by a Magistrate shall escape or go into, or be in any place out of the jurisdiction of the Magistrate issuing such warrant, the warrant may be executed in such place, and if the person against whom the warrant is issued is arrested in such place the Police Officer executing the warrant shall carry him before the Magistrate of the District or some other Magistrate within whose jurisdiction the arrest was made. If the place of arrest be within twenty miles from the place at which the warrant was issued, the person arrested may be carried in the first instance before the Magistrate who issued the warrant.

5. A Police Officer executing a warrant of arrest, shall notify the substance of the warrant to the person to be arrested, and if required to do so, shall show the warrant to such person.

6. In making an arrest, the Police Officer executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

7. If a person against whom a warrant of arrest is issued shall forcibly resist the endeavour to arrest him, it shall be lawful for the Police Officer executing the warrant to use all such means as may be necessary to effect the arrest.

8. Every person is bound to assist a Police Officer demanding his aid in the prevention of a breach of the peace, or in the suppression of a riot or an affray or in the taking of any other person whom such Police Officer is authorized to arrest, whether in execution of a warrant, or as hereinafter provided without a warrant; and any person who shall refuse or neglect to assist a Police Officer when so applied to, shall be liable on conviction before a Magistrate to a fine not exceeding fifty Rupees, or to imprisonment not exceeding three months, or to both fine and imprisonment.

9. If there is reason to believe that any person against whom a warrant has been issued has entered into or is within any house or place, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Police Officer executing the warrant, to allow such Police Officer free ingress thereto, and to afford all reasonable facilities for a search therein.

10. The Police Officer authorized by a warrant to arrest a person may break open any outer or inner door or window of any house or place, whether that of the person accused or of any other person, in order to execute such warrant, if after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

11. If information be received that a person against whom a warrant of arrest has been issued, is concealed in a zenanah or apartment in the actual occupancy of a woman who, according to the custom of the country, does not appear in public, the Police Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused person; and if the accused person shall not deliver himself up, the Police Officer authorized to execute the warrant may, if after notification of his authority and purpose and demand of admittance duly made he cannot otherwise obtain admittance, break open such zenanah or apartment and execute the warrant entrusted to him, first giving notice to any woman as aforesaid, in such zenanah or apartment, not being a person against whom a warrant has been issued, that she is at liberty to withdraw and affording her every reasonable facility for withdrawing.

12. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

13. The Police Officer executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate before whom he is required by the warrant to produce him.

14. A Police Officer shall not offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Police Officer shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

15. When a summons shall be directed by a Magistrate to a Police Officer to be served on a person accused of an offence, such Officer shall proceed forthwith to serve the same so far as it may be within his power to serve it.

16. A summons directed to a Police Officer may be served by any other Police Officer whose name shall be endorsed upon the summons by the Officer to whom the summons is directed.

17. The summons shall be served on the accused person personally, or in case the accused person shall not be found, it may be left for him with some adult male member of his family residing with him.

18. When the accused person cannot be found, and there is no adult male member of his family on whom the service can be made, the serving Officer shall fix a copy of the summons on some conspicuous part of the house in which the accused person ordinarily resides.

19. When a Magistrate shall direct a search warrant to a Police Officer, such Officer shall forthwith execute the same so far as it may be within his power to do so.

20. A search warrant directed to an Officer in charge of a Police Station may, if such Officer is not able to proceed in person, be executed by any Officer subordinate to such Officer. In such case the name of such subordinate Officer shall be endorsed upon the warrant by the Officer to whom the warrant is directed.

21. When it shall be necessary for a search warrant to be executed out of the jurisdiction of the Magistrate issuing the warrant, the Magistrate within whose jurisdiction the warrant is to be executed shall endorse his name on the warrant, which shall be sufficient authority for the Police Officer charged with the execution of such warrant to execute the same within the said jurisdiction, or the search warrant may be directed to the Magistrate within whose jurisdiction the search is to be made, and such Magistrate shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if the warrant had been issued by himself.

22. In any case in which there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate within the limits of whose jurisdic-

tion the warrant is to be executed will prevent the discovery of the thing for which search is to be made, the Police Officer charged with the execution of the search warrant may execute the same in any place beyond the jurisdiction of the Magistrate by whom it was issued, without the endorsement of the Magistrate in whose jurisdiction that place is situate. If the thing for which search is made is found in such place, it shall be immediately taken before the Magistrate in whose jurisdiction it is found and who, unless there be good cause to the contrary, shall make an order authorizing it to be taken to the Magistrate who issued the warrant.

23. If the house or place to be searched is closed, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Police Officer executing the warrant, to allow such Officer free ingress thereto, and to afford all reasonable facilities for a search therein.

24. A Police Officer authorized by a warrant to search any house or place may break open any outer or inner door or window of the house or place in order to execute such warrant, if after notification of his authority and purpose and demand of admittance duly made he cannot otherwise obtain admittance.

25. If the place ordered to be searched is a zenanah or apartment in the actual occupancy of a woman who, according to the custom of the country, does not appear in public, the Officer charged with the execution of the warrant shall give notice to such woman, not being a woman against whom a warrant of arrest has been issued, that she is at liberty to withdraw, and, after giving such notice, and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, such Officer may enter such zenanah or apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

26. The search of any house or place shall be made in presence of two or more respectable inhabitants of the place in which the house or place searched is situate, but such persons shall not be required to attend the Court of the Magistrate as witnesses unless specially summoned by such Magistrate. The occupant of the house or place or some person in his behalf, shall, in every instance, be permitted to attend during the search.

27. In any case in which it shall be necessary to cause a female to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

28. A Police Officer in the cases hereinafter mentioned may, without orders from a Magistrate and without a warrant, arrest.

First.—Any person who, in the sight of such Police Officer, shall commit any of the offences specified in the Schedule annexed to this Act.

Secondly.—Any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence.

Thirdly.—Any person against whom a hue and cry has been raised of his having been concerned in any such offence.

Fourthly.—Any person who is a proclaimed offender.

Fifthly.—Any person who is found with stolen property in his possession.

Sixthly.—Any person who shall obstruct a Police Officer while in the execution of his duty.

29. An Officer in charge of a Police Station may, without orders from a Magistrate and without warrant, arrest or cause to be arrested any person found lurking within the limits of such Station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself, or any person who is a reputed robber, house-breaker, thief, receiver of stolen property knowing it to be stolen, or is of notoriously bad livelihood.

30. It shall be the duty of every Police Officer to prevent, and he may interpose for the purpose of preventing, the commission of any of the offences specified in the Schedule annexed to this Act.

31. It shall be the duty of a Police Officer who shall receive information of a design to commit any such offence, to communicate such information to the Police Officer to whom he is subordinate, and to any other Officer whom it may concern to prevent or take cognizance of the commission of any such offence.

32. A Police Officer knowing of a design to commit any such offence as aforesaid, may arrest, without orders from a Magistrate and without warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

33. A Police Officer may, of his own authority, interpose for the prevention of any injury, attempted to be committed in his view, to any public building, work of art, road, bridge, tank, or water channel.

34. If there is reason to believe that any person liable to arrest without a warrant, of whom a Police Officer is in search, has entered into or is within any house or place, it shall be the duty of the person residing in or in charge of such house or place, on the demand of such Police Officer, to allow ingress thereto and all reasonable facilities for a search therein.

35. If ingress to such house or place cannot be obtained under the last preceding Section, the Police Officer authorized to make the arrest shall take such precaution as may be necessary to prevent the escape of the person to be arrested, and send immediate information to a Magistrate. If no warrant can be obtained without affording such person an opportunity of escape, and there is no person

authorized to enter without a warrant on the spot, the Police Officer may make an entry into such house or place and search therein.

36. Any person who is known or suspected to have committed an offence for which a Police Officer is not authorized to arrest without warrant, and who shall refuse on demand of a Police Officer to give his name and residence, or shall give a name or residence which there is reason to believe to be false, may be detained by such Police Officer for the purpose of ascertaining the name or residence of such person and with a view to future proceedings.

37. A Police Officer having made an arrest without warrant, shall take or send the person arrested without unnecessary delay before the Magistrate who has jurisdiction in the case, or before the Officer in charge of a Police Station.

38. If a person lawfully arrested under the provisions of this Act shall escape or be rescued, it shall be lawful for the Police Officer from whose custody the person so arrested shall have escaped, or have been rescued, to make fresh pursuit, and retake him in any place, either within or without the jurisdiction where he was so in custody, and deal with such person as such Police Officer might have done on an original taking.

39. In order to retake any person, as provided in the last preceding Section, the Police Officer making such fresh pursuit may adopt the same measures as he might have adopted on the original taking.

40. An Officer in charge of a Police Station may, without warrant, enter any shop or premises within the limits of such Station for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein, whenever he shall have reason to believe that there are in such shop or premises any weights, measures, or instruments for weighing, which are false. If such Police Officer shall find in such shop or premises any weights, measures, or instruments that are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

41. The seizure by any Police Officer of property alleged or suspected to have been stolen, or of property seized by any Police Officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to the Magistrate of the District, who shall thereupon make such order respecting the custody and production of the property as he shall think proper.

42. No Police Officer shall, without an express order from a Magistrate, enquire into or take cognizance of any offence other than the offences specified in the Sehedule annexed to this Act. But it shall be competent to a Magistrate, upon the report of a Police Officer or otherwise, to direct enquiry to be made by a Police Officer into any offence punishable under any law for the time being in force.

43. Nothing in the last preceding Section shall be held to interfere with the exercise of any powers which are invested in a Police Officer by any special or local law, or with the performance of any duty which is imposed upon a Police Officer by any such special or local law.

44. Upon complaint or information being preferred to an Officer in charge of a Police Station of the commission within the limits of such Station of any of the offences specified in the Schedule annexed to this Act, he shall send immediate intimation to the Magistrate having jurisdiction, and shall proceed in person or shall depute one of his subordinate Officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender.

45. Provided that when any complaint is made against any person by name, and the case is not of a serious nature, it shall not be incumbent on the Officer in charge of a Police Station to proceed in person or to depute a subordinate Officer to make an enquiry on the spot, unless such local enquiry shall appear to be necessary.

46 If on any complaint or information being preferred to an Officer in charge of a Police Station, it shall appear to such Officer that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall abstain from proceeding in the case, and shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction.

47. Every complaint or information preferred to an Officer in charge of a Police station shall be reduced into writing, and the substance thereof shall be entered in a diary to be kept by such Officer, in such form as shall be prescribed by the local Government.

48. When any Officer in charge of a Police Station requires any Officer subordinate to him to make, without warrant, an arrest which may lawfully be made by such Officer without warrant, he shall deliver to the Police Officer required to make such arrest, an order in writing specifying the person to be arrested, and the offence for which the arrest is to be made.

49. It shall be lawful for a Police Officer to pursue with a view to arrest any person accused of any of the offences specified in the Schedule annexed to this Act into the limits of another Police Officer, whether subordinate to the same Magistrate as himself or to the Magistrate of any other District, and whether such place be under the same local Government or not.

50. Whenever an Officer in charge of a Police Station shall consider that the production of any thing is essential to the conduct of an enquiry into any offence which he is authorized to investigate, it shall be lawful for such Officer to search or

cause a search to be made for the same in any house or place within the limits of such Station. In such case the Officer in charge of the Police Station shall, if practicable, conduct the search for such thing in person. If unable to conduct the search in person, and there is no other person competent to make the search present at the time, it shall be lawful for the Officer in charge of the Police Station to require any Officer subordinate to him to make the search, and he shall deliver to such Officer an order in writing, specifying the property for which search is to be made and the house or place to be searched, and it shall thereupon be lawful for such subordinate Officer to search for such property in such house or place. The provisions of this Act relating to search warrants shall be applicable to a search made by or under the direction of an Officer in charge of a Police Station under this Section.

51. An Officer in charge of a Police Station may require an Officer in charge of another Police Station, whether subordinate to the same Magistrate as himself or to a Magistrate of another District, to cause a search to be made in any house or place in any case in which he might cause such search to be made within the limits of his own Station.

52. An Officer in charge of a Police Station may, by an order in writing, require the attendance before himself of any person being within the limits of his Station who, from the statement of the complainant or otherwise, appears to be acquainted with the facts and circumstances of any case into which he is enquiring under Section 44, and such person shall be bound to obey such requisition.

53. It shall be lawful for an Officer in charge of a Police Station or other Police Officer making an enquiry, to examine orally any person who is supposed to be acquainted with the facts and circumstances of the case. Nothing in this Section shall preclude such Police Officer from reducing into writing any statement made by the person so examined. Provided that any statement so reduced into writing shall not be signed by the person making it, nor shall it be treated as part of the record, or used as evidence.

54. A Police Officer shall not offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession

55. No Police Officer shall record any statement or any admission or confession of guilt which may be made before him by a person accused of any offence. Provided that nothing in this Section shall preclude any Police Officer from reducing any such statement or admission or confession into writing for his own information or guidance.

56. No confession or admission of guilt made to a Police Officer shall be used as evidence against a person accused of any offence.

57. No confession or admission of guilt made by any person whilst he is in the custody of a Police Officer, unless it be made in the immediate presence of a Magistrate, shall be used as evidence against such person.

58. When any fact is deposed to by a Police Officer as discovered by him in consequence of information received from a person accused of any offence, so much of such information, whether it amounts to a confession or admission of guilt, or not, as relates distinctly to the fact discovered by it, may be received in evidence.

59. If the person arrested appears, from the information obtained, to have committed the offence charged, and the offence is not bailable, the Officer in charge of the Police Station shall forward him under custody to the Magistrate having jurisdiction in respect of the offence, and shall bind over the prosecutor and witnesses to appear on a fixed day before such Magistrate. When any subordinate Police Officer has made any enquiry under this Act, he may be required by the Officer in charge of the Police Station to submit a report of such enquiry to him, or he may do so without such instruction, and the Officer in charge of the Police Station shall then proceed as if he had made the enquiry himself.

60. No Police Officer shall, without the special order of a Magistrate, detain an accused person in custody for a longer period than under all the circumstances of the case is reasonable, such period in no case to exceed twenty-four hours. If the enquiry has not been completed within twenty-four hours, the Officer in charge of the Police Station shall nevertheless forward the accused to the Magistrate, with a short despatch, stating the offence for which the accused has been arrested, if there are grounds for believing that the accusation is well founded.

61. If it shall appear to the Officer in charge of the Police Station that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused to the Magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and shall submit a report of the case for the orders of the Magistrate.

62. A Police Officer making an enquiry under this Act shall, day by day, enter his proceedings in a diary, setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a statement of the circumstances elicited by his enquiry, and shall forward day by day a copy of such diary to the District Superintendent of Police, who shall without delay bring to the notice of the Magistrate of the District any part of such diary which he shall consider it to be important that such Magistrate should know. The Magistrate of the District, or other Officer having jurisdiction in the case, shall be entitled to call for and inspect such diary. In cases where there is no District Superintendent of Police, the Police

Officer shall forward day by day a copy of the diary to the Magistrate of the District. Such diary shall not be evidence of the facts stated therein, except against the Police Officer who made it.

63. The enquiry shall be completed without unnecessary delay, and as soon as it is completed, the Police Officer making the enquiry shall forward to the Magistrate a report in such form as shall be prescribed by the local Government, setting forth the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused, and shall also transmit any weapon or article which it may be necessary to produce before the Magistrate. The Police Officer shall state whether the accused person has been forwarded in custody, or has been released on bail or on his own recognizance. If the accused person be detained in custody, the Police Officer shall state the fact and the cause of his detention.

64. A person accused of any offence not bailable shall not be admitted to bail, if there appear reasonable ground for believing that he has been guilty of the offence imputed to him. But a person accused of any other offence shall be admitted to bail if sufficient bail be tendered for his appearance before the Magistrate having jurisdiction in respect of the offence.

65. The bail to be taken under the last preceding Section shall not be excessive, and the surety or sureties shall bind himself or themselves under a specific penalty to produce the person accused before the Magistrate on or before a fixed day, to answer the complaint.

66. Every prosecutor and witness whose attendance before the Magistrate may be deemed necessary by the Police Officer making the enquiry, shall execute a recognizance for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day, which shall be the day whereon the accused is to appear if he shall have been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate if he is to be forwarded in custody. The Officer in whose presence the recognizance is executed shall forward it with his report to the Magistrate, and shall deliver to the prosecutor and witnesses a duplicate of the despatch. The prosecutor or witnesses, unaccompanied by any Police Officer shall be required to deliver in person such duplicate to the Magistrate.

67. A Police Officer shall not subject any prosecutor or witness to restraint or, unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances ; but if any prosecutor or witness shall refuse to attend or to execute the recognizance directed in the last preceding Section, it shall be competent to the Officer in charge of a Police Station to forward such prosecutor or witness under custody to the Magistrate, who may detain such prosecutor or wit-

ness in custody until he shall execute such recognizance, or until the hearing before the Magistrate.

68. Officers in charge of Police Stations shall report to the Magistrate of the District the cases of all persons apprehended within the limits of their respective Stations, whether such persons shall have been admitted to bail or otherwise, and no person who has been apprehended shall be discharged except on bail, or on his own recognizance, or under the special order of a Magistrate.

69. It shall be the duty of the Officer in charge of a Police Station, on receiving notice or information of the unnatural or sudden death of any person, immediately to send intimation to the nearest Magistrate, and to porceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, to make enquiry and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted. The report shall be signed by such Police Officer and other persons, or by so many of them as shall concur therein, and shall be forthwith forwarded to the Magistrate. When there may be any doubt regarding the cause of death, such Police Officer shall forward the body with a view to its being examined by the Civil Surgeon, if the state of the weather and distance will admit of its being so forwarded without risk of putrefaction on the road.

70. The powers to be exercised by an Officer in charge of a Police Station under this Act shall be exercised in the event of his absence or illness by the Police Officer next in rank present at the Police Station, above the rank of a Peon or Burkundaz.

71. The provisions relating to warrants for the arrest of and summonses to persons accused of offences contained in this Act shall be applicable to all warrants of arrest and summonses directed by a Magistrate to Officers of Police.

72. This Act shall apply only to the Police who shall be enrolled under Act V of 1861 *(for the regulation of Police)* and shall continue in force until the 1st January 1862.

73. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District in criminal matters by whatever designation such Officer is called.

The word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate.

SCHEDULE REFERRED TO IN SECTIONS 28, 30, 42, 44, AND 49.

Murder.
Thuggee.
Dacoity.
Highway Robbery.
Culpable Homicide.
Wounding.
Burglary.
Theft.
Receiving stolen property knowing it to be stolen.
Unnatural Offences.
Rape.
Arson.
Affray.
Aggravated Assault.
Rioting.
Child Stealing.
Counterfeiting Coin or Government Stamps.
Administering Poisonous Drugs.
Exposure of Infants.
Escape from lawful custody.
Attempt to commit any of the foregoing offences.
Attempt to commit suicide.

ACT No. XVIII OF 1861.

Passed on the 16th July 1861.

AN ACT for imposing a Duty on Arts, Trades, and Dealings.

WHEREAS it is expedient to impose a Duty on Arts, Trades, and Dealings; It is enacted as follows:—

I. Section V Regulation I. 1816 of the Madras Code *(for declaring the contributions hitherto paid in the Province of Tanjore on account of the Cavelly Police appro-*

priable to the support of the new Police established or to be established in that Province, for regulating the collection and assessment of those contributions, and for extending and modifying the house tax hitherto collected for Police purposes in the province aforesaid), and so much of Clause 1 of Section VI of the said Regulation as requires the Collector of Land Revenue to levy and receive the house tax, Regulation IV. 1818 of the same Code *(prescribing Rules for the assessment and collection of the Veesabuddy or Tax upon the profits of trade in the Provinces known by the appellation of the Ceded Districts or the Zillahs of Bellary and Cuddapah)*, and Regulation V. 1832 of the same Code *(declaratory of the liability of persons exercising certain arts, trades, and professions to the Mohturfa Tax)*, shall be repealed from the time at which this Act shall come into operation, except as to any tax which may then remain due and payable under the said Regulations.

II. From and after the 1st day of August 1861, every person or partnership in India who shall exercise any lawful art, trade, or dealing, for gain or profit, shall be required to pay the Duty specified in Schedule A of this Act.

III. The Collector or other person specially authorized by the local Government in that behalf shall, subject to the provisions of the Schedule of this Act, determine under what class every person by whom any Duty is payable under this Act shall be assessed, and shall have authority to exempt from payment of any Duty hereby imposed any person of whose inability to pay the same he may be satisfied, and the person so exempted shall not be liable to pay any Duty. Such person shall receive a certificate of such exemption.

IV. On or before the 1st day of August in every year, the Collector or other person as aforesaid, shall make out a list of the persons liable to pay Duty under this Act, which list shall state the art, trade, or dealing of each of the persons therein named, the class under which he shall be assessed, and the duty payable by him and extracts therefrom shall be published in each Thannah or other convenient Division, with the names of such persons as shall reside therein, and such list shall be filed in the Office of such Collector or other person as aforesaid.

V. The Duty payable under this Act shall be collected by the Collector of Land Revenue, or by such other person, not being an Officer of Police, as he shall appoint, subject to such general rules as shall be laid down by the local Government for his guidance in that respect.

VI. Every person who shall refuse to pay on demand made upon him or left at his usual place of business or residence any Duty which shall then be payable under this Act, shall be liable to pay a penalty not exceeding three times the amount of the Duty payable, which shall be recoverable in the same manner as arrears of

Duty under Act XXXII of 1860 *(for imposing Duties on Profits arising from Property, Professions, Trades, and Offices.)*

VII. No person assessed for the payment of any Duty under the said Act XXXII of 1860 shall be liable to pay any Duty under this Act.

VIII. Every person who shall collect any Duty under this Act shall make out an account, specifying the amounts received by him, the names of the persons from whom the same shall be received, and the art, trade, or dealing, exercised by such persons, and shall annually or at such other times as shall be ordered by the Collector, or by the local Government, make a return thereof to the Collector.

IX. The Government may authorize the Collector to allow to any person emplyed in collecting the Duty under this Act, and for keeping the account mentioned in the foregoing Section, such commission, not exceeding three per cent. on the amount collected, as the Collector may think fit.

X. All the provisions contained in Part XIX of the said Act XXXII of 1860, so far as they are applicable, shall have the same effect as if the same had been repeated and enacted in this Act.

XI. All offences under this Act made punishable by any penalty, may be prosecuted in the same manner as offences punishable by fines may be prosecuted under the said Act XXXII. of 1860.

XII. Nothing in this Act shall be deemed to apply to any cultivator of land, as such, in respect of the cultivation or sale of the produce cultivated by him, and not keeping any shop or store for the sale of such produce.

XIII. Nothing in this Act shall be construed to alter or affect the provisions of any other Law or Regulation relating to licenses.

XIV. It shall be lawful for the Governor-General of India in Council, from time to time to make rules for the guidance of Officers in matters connected with the enforcement of this Act, provided such rules are not inconsistent with any of the provisions herein contained.

XV. It shall be lawful for the Governor-General of India in Council to postpone, for such period as he shall deem necessary, the time for this Act to come into operation in any part of India.

XVI. The word "India" in this Act shall mean the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India."

XVII. No part of this Act, except Section I, shall continue in force beyond the 31st of July 1866. Provided that this Act and the said Duty shall not then

cease with respect to any assessment which ought to have been made before the said last-mentioned day, but which shall not then have been made and completed; nor with respect to the said Duty which shall have been assessed and shall then remain unpaid; nor with respect to any penalty before then incurred; nor with respect to any offence of which any person shall have been guilty before that day; nor shal the said Duty cease in any case when the assessments for the preceding year shall not have been completed before the said 31st day of July 1866. And all the powers and provisions of this Act shall continue in force for making and completing all such assessments as aforesaid, and for levying and recovering the Duty so assessed or to be assessed, and all arrears of such Duty and for the suing for, and judging, and recovering any penalty which shall have been or may be incurred, and for the punishment of any offence of which any person shall have been guilty before that day.

SCHEDULE A.

Every person who shall exercise any art, trade, or dealing for gain or profit for any period between the 1st August in one year and the 1st August in the succeeding year, shall pay for such period—

If belonging to Class	I	3 Rs.
" " "	II	2 "
" " "	III	1 Re.

ACT No. XXI OF 1861.

Passed on the 27th July 1861.

AN ACT for limiting in certain cases for the year commencing from the 31st day of July 1861, the amount of Assessment to the Duties chargeable under Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices), and Act XXXIX of 1860 (to amend Act XXXII of 1860).

WHEREAS it is expedient to limit in certain cases for the year commencing from the 31st day of July 1861, the amount of Assessment to the Duties chargeable under Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices) and Act XXXIX of 1860 (to amend Act XXXII of 1860); It is enacted as follows:—

I. It shall be lawful for the Governor-General of India in Council, by an order to be published in the Government Gazette, to direct that within the Territories or any part of the Territories, subject to the local Government of any Presidency or place, the general or special notices required by Sections XXXVII and XXXVIII of the said Act XXXII of 1860, shall not be issued for the year commencing from the 31st day of July 1861, in respect to the duties contained in Schedules 1 and 2 of the said Act, and that in such Territories or part of such Territories, the

Returns of profits or income chargeable with duties under the said Schedules, as prescribed by Section XXXIX of the said Act, for the year commencing as above, shall not be required ; but that in the place of such notices, a general notice shall be issued in such Territories or part of such Territories to the effect that, except as hereinafter provided, the assessment of the duties contained in the said Schedules for the year commencing as above upon the several persons liable thereto, either on their own behalf or on behalf of any other person, shall be at the same rate and on the same amount at and on which such persons were or shall be assessed for the year ending on the 31st day of July 1861.

II. The general notice to be issued under the last preceding Section shall be in the form appended to this Act or to the like effect, and shall fix a period of two months after which the assessments under this Act shall be made. Such notice shall be published in the Official Gazette of the Presidency or place within which it is issued, and in such other manner as the local Government shall direct, and copies of such notice shall be affixed at the several places within such Territories or part of such Territories which are mentioned in Section XXXVII of the said Act XXXII of 1860.

III. After the expiration of the period specified in such notice, the Officers within such Territories or part of such Territories, whose duty it is to make assessments under the said Acts XXXII and XXXIX of 1860, shall proceed, except as hereinafter provided, without requiring the Returns prescribed by Section XXXIX of the said Act XXXII of 1860 for the year commencing from the 31st day of July 1861, in respect to the duties contained in Schedules 1 and 2 of the said Act, to assess the several persons in their respective jurisdictions liable to the said duties, either on their own behalf or on behalf of any other person, for the year commencing as above, at the same rate and on the same amount at and on which such persons were or shall be assessed to the said duties for the year ending on the date above-mentioned, and shall proceed to collect and recover the amount of such assessments under the provisions contained in the said Act XXXII of 1860, which are hereby declared applicable to the assessments so made.

IV. The assessment ordered to be the assessment for the year commencing from the 31st day of July 1861 under the last preceding Section shall, in the case of every person as aforesaid who shall not claim to be assessed under Act XXXII of 1860 as hereinafter provided, be the assessment on every such person under Schedules 1 and 2 of the said Act XXXII of 1860 for the year commencing as above, and the duties imposed by the said Acts XXXII and XXXIX of 1860 under such Schedules, shall be payable on such assessment in the same manner as if it had been made on a fresh Return made under Section XXXIX of the said Act XXXII of 1860 ; and all the provisions of the said Act XXXII of 1860 for the collection and

enforcement of payment of duties assessed and payable under the said Act, shall be applicable to the collection and enforcement of payment of the duties under the assessments herein provided for.

V. If any person within such Territories or part of such Territories chargeable with the duties contained in Schedules 1 and 2 of the said Act XXXII of 1860 or either of them, for the year commencing from the 31st day of July 1861, shall object to the assessment provided by this Act, and shall claim to be assessed under the said Act XXXII of 1860, he shall apply to the Assessor within whose jurisdiction he resides, for forms of Returns of profits or income chargeable under the said Schedules or either of them, and such person shall, within the period mentioned in such general notice, deliver the Return for the year commencing as above, filled up in the manner and containing the declaration prescribed by the said Act XXXII of 1860, at the Office of such Assessor or of the Special Commissioner or Collector, and claim to be assessed thereon in the same manner as if this Act had not passed. No such claim to be assessed under the said Act XXXII of 1860 shall be received, unless made within the period aforesaid.

VI. When any claim shall be made under the provisions of the last preceding Section within the time therein allowed, it shall be the duty of the Assessor or the Special Commissioner or Collector, as the case may be, to whom such claim is made, to assess the person making it on his profits or income chargeable under the said Schedules for the year commencing from the 31st day of July 1861, in accordance with the provisions of the said Act XXXII of 1860, and all the provisions of the said Act shall be applicable to the Return and Declaration made by such person, and to the assessment made upon him.

VII. Nothing in this Act shall be held to debar the Commissioners of any Presidency Town or any Collector, from issuing or ordering the issue by an Assessor of a special notice, according to the form and in the manner provided by Section XXXVIII of the said Act XXXII of 1860, to any person residing within the jurisdiction of such Commissioners or Collector whom they or he shall consider liable to the duties chargeable under the said Schedules 1 and 2, or either of them, for the year commencing from the 31st day of July 1861, but to a special notice requiring such person to make a return of his profits or income under the said Schedules for the year ending on the date above-mentioned, shall not have been issued within such jurisdiction; or to any person who such Commissioners or Collector shall have reason to believe made a fraudulent return of his profits or income under said Schedules, or either of them, for the said last-mentioned year, and who shall not have been surcharged upon such return; or to any person who shall have been assessed to the duties under the said Schedules or either of them on a return of profits or income calcu ted upon any period less than a whole year. Provided that no notice shall be

issued under this Section after the expiration of three months from the date of the general notice mentioned in Section I of this Act.

VIII. When a special notice shall be issued to any person under the provisions of the last preceding Section, all the provisions of the said Act XXXII of 1860 as to special notices shall apply thereto, and to any Return and Declaration made by such person and to the assessment of such person.

IX. When any transfer of any immoveable property, which shall have been or shall be assessed to the duties contained in the said Schedule I of the said Act XXXII of 1860 for the year ending upon the 31st day of July 1861, shall have taken place subsequently to the date at which such assessment shall have been or shall be made, the person in the enjoyment of the profits or income arising from such property, at the time that the assessment of duties thereupon for the year commencing from the said 31st day of July 1861 is made, shall be liable to be assessed on the profits of such property, under the rules contained in the said Act XXXII of 1860 in the same manner as if this Act had not passed.

X. This Act shall not apply to the duties contained in Schedules 3 and 4 of the said Act XXXII of 1860, or to the assessment, collection, and recovery of such duties.

NOTICE.

Income Tax Act, Schedules 1 and 2.

Under the orders of the Governor-General of India in Council, Notice is hereby given that, except in the case of any person or persons to whom a special notice is issued, the assessment for the Income Tax for the year commencing from the 31st July 1861, under Schedules 1 and 2 Act XXXII of 1860 (Income Tax Act) will be the same as for last year ; provided that if any person object to such assessment, he may apply to the Assessor of his Division for forms of Returns of profits or income under the said Schedules, and send in his Return thereof within two months from the date of this Notice, and he will then be assessed on such Return under the said Act XXXII of 1860.

dated

Collector (or Commissioner.)

Act No. XXII of 1861.

Passed on the 20th August 1861.

An Act to amend Act III of 1857 (relating to trespasses by Cattle.)

Whereas it is expedient to amend Act III of 1857 (relating to trespasses by Cattle); it is enacted as follows:—

I. Whoever with intent to cause, or knowing that he is likely to cause wrongful loss or damage to any person, causes Cattle to trespass on any land or on the crop cultivated on any land, shall be punished by a Magistrate with imprisonment with or without labor for a term which may extend to three months, or with fine not exceeding two hundred Rupees, or with both.

II. Whoever commits the offence defined in the foregoing Section, and thereby causes loss or damage to the amount of fifty Rupees or upwards, shall be punished by a Magistrate with imprisonment with or without labor for a term which may extend to two years, or with fine not exceeding two hundred Rupees, or with both.

III. The term "Magistrate" in the foregoing Section shall include any Officer who, by any law for the time being in force, is competent to sentence any offender to imprisonment for the period of six months, and to a fine amounting to two hundred Rupees.

IV. When a fine is imposed upon conviction for any offence under this Act, the Magistrate may order that the fine or any part thereof, not exceeding the loss appearing to be caused to any person who has suffered by such offence, be paid to such person, and in any such case the fine when levied or received shall be paid accordingly. No amount ordered to be paid under this Section shall be paid over to the person to whom it is awarded until the lapse of thirty days from the date of such order, unless such order shall have been sooner confirmed by an Appellate Court.

V. Any sentence or order made in any case tried under this Act shall be subject to appeal, in like manner as the sentences or orders made by the Magistrate or other Officer aforesaid in criminal trials are subject to appeal by any law for the time being in force.

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